

**PROSECUTION IN THE COMMUNITY:  
A STUDY OF EMERGENT STRATEGIES**

**APPENDIX D:**

**JACKSON COUNTY (KANSAS CITY), MISSOURI  
CASE STUDY**

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## INTRODUCTION

Claire McCaskill was elected Jackson County Prosecuting Attorney in 1992, inheriting a broad-based program for addressing crime and other problems related to the sale and use of drugs that had been created by her predecessor, Albert Riederer. As a new county prosecutor, McCaskill entered office with both assets and liabilities. The Anti-Drug Sales Tax, a county-wide initiative passed by the voters in 1989, raised fourteen million dollars a year: much of this would be under her control as county prosecutor. McCaskill herself had a broad base of political support, and brought legislative experience at both the state and county level, detailed knowledge of the revenues and programs associated with the drug tax, considerable acumen in dealing with the media and the public, a willingness to compromise and work at establishing strong relationships with other criminal justice agencies and elected officials, and a well-thought out agenda for what she would attempt as prosecutor. Moreover, she was also assuming leadership of a prosecutor's office that had been headed by a well-known and thoughtful visionary, who had succeeded in professionalizing and raising standards in the office. On the other hand, McCaskill had spent only a few years in the office a decade earlier as an assistant prosecutor; upon election she encountered wary staff, many of whom were loyal supporters of Riederer, and a strained if not hostile relationship between the prosecutor's office and KCPD. The Anti-Drug Sales Tax program itself was barely underway, and would require a major effort to reach its potential and satisfy voters when it came up for assessment in 1993, and renewal a few years later.

Today, few would contest the conclusion that McCaskill has exploited these assets and overcome the liabilities. In the process, she has reorganized and built new capacities into the prosecutor's office, increasing the range and value of services it provides to the community. She has tried to make the prosecutor's office more responsive to the community, and reached out to work with rather than against the police. McCaskill is perhaps best known outside of Missouri for the COMBAT (Community-Backed Anti-Drug Tax) program that she renamed and further developed, expanding the scope of its activities both inside the prosecutor's office and out in the community. Along the way, she achieved a nationwide reputation for operating a "mini-LEAA office," a center for innovative and creative efforts to prevent, treat, and reduce drug use and drug-related crime.<sup>1</sup> The COMBAT program is unique in the breadth of its approach and in the degree of authority and power accorded the county prosecutor to lead and coordinate all anti-drug efforts in the community, involving numerous other criminal justice and social service agencies and institutions as well as private citizens. But McCaskill has also developed new measures in the office and community to address domestic violence, sexual abuse, driving under the influence, and to target repeat violent offenders. Locally, she is recognized as an adroit politician, astute manager, and above all "The woman is tough. Not just campaign-rhetoric tough, but take-'em-to-the-wall tough."<sup>2</sup>

To comprehend McCaskill's strategy for achieving these results we need first to gain some familiarity with the context within which she has operated—Kansas City, and Jackson County, Missouri—and the administration of her predecessor, Albert Riederer.

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<sup>1</sup> COMBAT is currently the subject of a formal evaluation sponsored by the National Institute of Justice and the Ewing Marion Kauffman Foundation, and being conducted by Abt Associates and local partners in Kansas City. As of mid-1998, the evaluation had not yet been released.

<sup>2</sup> Dan Margolies, "Hard Line; Prosecutor McCaskill cuts no slack," *Kansas City Business Journal*, April 22-28, 1994, p.3.

## BACKGROUND

### *Jackson County and Kansas City*

Located at the confluence of the Kansas and Missouri Rivers, Kansas City, Missouri, originated as a boat dock and provisioning center for those traveling further west during the first half of the 19<sup>th</sup> century. Named after the Kanza Indians who lived in the vicinity, the city was incorporated in March 1853. Today the twin cities of Kansas City, Missouri, and Kansas City, Kansas, are part of a large metropolitan area with a population of over 1,500,000 people, and a leading grain and livestock market, commercial and industrial center (in food processing; production of machinery and equipment, chemicals, glass; printing and publishing; automobile assembling; petroleum refining; iron and steel manufacturing), and a major national transportation (especially railway) and distribution hub.

Kansas City is the largest city in Missouri, and covers parts of four counties—Jackson, Clay, Platt, and Cass. Jackson County covers a 605 square mile area in western Missouri along the Kansas border. By 1990, its population at 635,000 residents, approximately two-thirds of whom (435,000; down from 507,000 in 1970) lived in Kansas City; another third lived in sixteen other municipalities and rural areas, primarily in Eastern Jackson County, such as Independence (the county seat, with a population of 112,000), Lee’s Summit (46,000), Blue Springs (40,000), and Grandview (40,000). In the county as a whole approximately 76% of residents were white, while 21% were African American; in Kansas City, about two-thirds of the population were white; and approximately one-third were African American (29.4%), Hispanic (3.9%), Asian (1.1%), or Native American (0.5%). Nearly one quarter of Kansas City residents were below eighteen years of age, and almost 12% of families lived below the poverty level.<sup>3</sup>

Historical events in Kansas City and Jackson County, Missouri, earlier in this century—particularly the Pendergast corruption and tax evasion scandals that upset machine politics in the late 1930s—continue to affect local government and politics today.<sup>4</sup> Subsequent reforms would remove local control over the Kansas City Police Department, replacing it with direction from the state level, and would restructure local and county government to prevent the consolidation of political power in the hands of a single individual or body. In Kansas City itself, as the influence of wards and precincts in the city was reduced, economic and commercial growth moved out of the central city, to “neighborhoods” such as the country club plaza area developed by J. C. Nichols. Neighborhood associations then formed to protect the “quality of life” in local communities, eventually replacing ward and precinct organizations: they remain active today. These different forces together have provided a decentralizing influence on the city and county that many believe is not all to the good: until recently, they have posed considerable obstacles to preclude any single public official from garnering sufficient power and authority to address issues such as public safety or crime-related problems that require broad-based solutions. At the same time, within the county there has always been a tension between Kansas City (or western Jackson County) and eastern Jackson County, the latter with its smaller towns and municipalities, more rural areas, and often different lifestyles and public safety problems. At times sentiment in the east has been strong enough to raise the specter of secession and the formation of a new “Truman County.” Even the

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<sup>3</sup> 1970-1988, Statistical Abstract, 1990, Bureau of the Census.

<sup>4</sup> See David McCullough, *Truman* (New York: Simon & Schuster, A Touchstone Book, 1992), ch. 6.

nature of crime, and crime rates, are specific to different locations within the county, posing a challenge to the county prosecutor's efforts.

Within Jackson County, the governing body today is the county legislature, comprised of six representatives elected by district, and three at large.<sup>5</sup> At present, seven Democrats and two Republicans sit in the legislature, not an atypical ratio: Republicans generally are elected from the eastern part of the county, representing smaller towns and rural areas, while Democrats usually represent Kansas City. With recent demographic trends showing a loss of population in Kansas City, Republican candidates are picking up a larger share of votes, and trends indicate their influence increasing. The county executive, currently Democrat Katheryn Shields, is elected by popular vote.

Kansas City has an elected mayor, with a council manager form of government. The current mayor, Democrat Emanuel Cleaver, was first elected in 1991, and re-elected in 1995.<sup>6</sup> Originally from Texas, Cleaver came to Kansas City as the director of the local chapter of the Southern Christian Leadership Conference, and won a seat on the city council in 1979. A Methodist minister with strong ties to the African-American community in the city, he is also a close political associate of McCaskill, sharing many of her priorities in prosecution, most notably domestic violence. As mayor, Cleaver sits on the Board of Police Commissioners (along with four appointees of the Missouri governor) which, by Missouri statute, is responsible for providing police service for the city. Mayor Cleaver chaired the Board of Police Commissioners previously, although he did not hold this position at the time of the study. The Board selects the chief of police for the Kansas City Police Department. Clarence Kelley, recruited from the Federal Bureau of Investigation (FBI), was appointed chief in 1961. By the 1970s, Kelley had turned the KCPD into one of the most dynamic and well run police organizations in the United States, the site of the first experiment ever conducted in policing, the *Kansas City Preventive Patrol Experiment*, and of the first department-conducted systematic research, the *Response Time Analysis*.<sup>7</sup> Each of these studies challenged what were then considered to be core competencies of policing. Kelley later became director of the FBI.

#### *Jurisdiction of the Prosecutor's Office and the Courts*

Under Missouri law, the Jackson County Prosecutor is charged with the prosecution of felonies and misdemeanors. The office has a bifurcated structure, with its primary and larger base of operations located in Kansas City, and a second, smaller office in Independence. Within the state court system, Jackson County makes up the Sixteenth Judicial Circuit: the western division sits in Kansas City; the eastern division sits in Independence, and hears cases originating in a number of jurisdictions—Blue Springs, Independence, Lee's Summit, Grandview, Raytown, Grain Valley, Sugar Creek, Lake Tapawingo, Lone Jack, Buckner, Greenwood, Lake Lotawana, and Levasy.<sup>8</sup> Ordinance violations in Kansas City that carry sentences of less than six months in jail, or a

<sup>5</sup> Jackson County Missouri, *Constitutional Home Rule Charter* (10/95).

<sup>6</sup> Under city-mandated term limits, Cleaver was in his last term during the study.

<sup>7</sup> George L. Kelling, *The Kansas City Preventive Patrol Experiment*, Washington D. C., Police Foundation, 1974; Kansas City Police Department, *Response Time Analysis: Volume II – Part I Crime Analysis*, Kansas City, Mo., 1977.

<sup>8</sup> Cases also originate from unincorporated areas, through the Missouri State Highway Patrol, State Water Patrol, Sheriff's Office, Conservation Department, and Jackson County Drug Task Force.

maximum fine of \$500, are prosecuted by the City Attorney's Office, in the Municipal Courts.<sup>9</sup> In practice, misdemeanor prosecution traditionally occurs at the city level, while 95% of cases processed by the JCPO are felonies. The Prosecutor's Office follows post conviction remedies, but does not handle appeals as this is carried out by the Attorney General's Office.

The county prosecutor has no authority to prosecute juvenile offenders: responsibility lies instead with the Juvenile Officer and Director of Family Court Services for Jackson County, who is appointed by the Circuit Court and who employs a team of prosecutors, in the Family Court. Part of the 16<sup>th</sup> Judicial Circuit, this court sits in Kansas City, and has exclusive jurisdiction countywide over actions including divorce (and related determinations, including child custody), adoption, prosecution for delinquency, abuse, neglect, and termination of parental rights.

*The Prosecutor's Office during the 1980s: Albert Riederer and the Origins of COMBAT*

McCaskill's predecessor, Democrat Albert Riederer, was first elected Jackson County Prosecutor in 1980. During the 1980s, Kansas City and nearby communities experienced a surge in drug-related crime, including homicides, and problems associated with drug abuse. Crack cocaine was the key drug. One of every two arrests involved a drug user, and 80 percent of all crimes involved illegal drugs.<sup>10</sup> During the 1990s, a newer drug--methamphetamine—took roots in eastern sections of the county, posing serious dangers from toxic substances used in manufacturing the drug, and new challenges to law enforcement authorities.

The decade of the 1980s was one of change in the prosecutor's office, arising out of competing tensions in prosecution itself, as well as the increase in drug-related crime. As Riederer recalls this period, at least some prosecutors around the country (including him) were beginning to feel that they should be doing more than responding to crimes committed and processing cases; yet the governing ethos for rank and file prosecutors was that "business at home" had to be taken care of first—being tough on and prosecuting offenders. Riederer tried to attend to both. From early on in his tenure in office, he worked toward professionalizing the prosecutor's office, developing high standards and legal practices among his attorneys, creating conditions for retaining the best assistant prosecutors, and building a sense of independence from and resistance to outside pressures, including the police. In particular Riederer sought to establish the prosecutor's office as a check on the police department rather than being driven by it—cases would not be filed, regardless of what police sought, unless the reviewing prosecutor believed they met the "beyond a reasonable doubt" standard. Needless to say, Riederer did not endear himself to the Kansas City Police Department in this regard.

At the same time, Riederer became increasingly interested and involved in problem solving, specifically in the area of crime suppression. He participated in the John F. Kennedy School of Government's Executive Sessions for State and Local Prosecutors, convened at Harvard University from 1986-1990, in which prosecutors and researchers discussed new trends in prosecution

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<sup>9</sup> With regard to traffic violations, where the State Highway Patrol issues tickets in unincorporated areas of the county, primarily in Eastern Jackson County, these cases are prosecuted by the JCPO. Similarly, Sheriff's cases are handled by the JCPO for cases originating outside a municipality. County ordinance violations are prosecuted by the county attorney, and heard by county councils.

<sup>10</sup> "COMBAT: Progress Report to the Jackson County Legislature," Office of the Prosecuting Attorney, Jackson County, Missouri, 17 July 1995:1.

involving problem solving and the development of a new prosecutorial “mission.”<sup>11</sup> When the impact of drug-related crime became more pronounced in Kansas City and elsewhere, Riederer saw the federal response as pushing both prosecution and policing into a “drug-fighting” mode, while losing sight of local, community concerns. Local church and community groups, such as the Church Community Organization, responded by attempting to draw attention back to local neighborhoods: they staged public events with politicians, attempting to reintroduce community perspectives into the debate over drug-related problems.<sup>12</sup> They also advanced the view that drugs represented not merely a crime problem, but a public health issue that would require education and prevention efforts. Riederer was sympathetic to the message. He committed the prosecutor’s office to work with the Ad Hoc Group Against Crime, made up of leaders and representatives from the African American community in Kansas City, to close down drug houses and reduce drug sales by relying on nuisance abatement and forfeiture laws and working with citizens and the police to pressure landlords to remove drug dealers.<sup>13</sup>

During the 1988 election, for Riederer’s third four-year term, the primary topic for discussion was drugs and drug-related crime and violence, and in particular, what the county prosecutor could do about these problems. In the face of dramatic increases in drug cases, both the courts and the prosecutor’s office were in a state of near gridlock. Riederer would concentrate on these issues soon after being re-elected: when he did so, the first, and continuing impediment to developing new solutions seemed to lie in funding. Riederer’s own background included a master’s degree in the law of taxation, and he naturally turned to an examination of specific purpose taxes in Missouri as a first step in addressing drug problems. During the next year, he worked to develop and pass enabling state legislation for a tax that could be enacted by voters at the county level to support enhanced prosecution and law enforcement efforts—including, at the initiative of a state legislator, prevention and deferred prosecution (a drug court) programs. The state legislature passed the legislation in April 1989.

By this time Riederer was having second thoughts, however: convinced by community organizations and civic associations that were pushing the need for treatment, and recognizing that the legislation was not broad enough, since it lacked provisions for treatment, corrections and juvenile programs, yet could reasonably be expected to increase the number of cases moving through the circuit courts, he foresaw problems from the beginning. Rather than return to the state legislature and redo the entire piece of legislation, Riederer decided to seek a ¼ cent addition to a general-purpose county sales tax already in existence. A spirited debate ensued within the community and the county legislature over the substance of the proposed legislation. After the prosecutor’s office led a “Fight Back” campaign to promote acceptance of the tax initiative, the legislature finally approved placing it on the November 1989 ballot, along with a sunset provision that would require renewal in seven years.<sup>14</sup> Under provisions of the legislation the county

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<sup>11</sup> See Zachary R. Tumin, “Summary of Proceedings: Findings and Discoveries of the Harvard University Executive Session for State and Local Prosecutors (1986-199).” Unpub. ms. Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA.

<sup>12</sup> The Kansas City Church Community Organization is still very active: see Glenn E. Rice, “KC services get C-minus on residents’ report card,” *The Kansas City Star*, March 3, 1997.

<sup>13</sup> Harvey Simon, “*Kansas City and the Ad Hoc Group Against Crime*,” Case No. C16-91-1023.0, Case Program, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, Cambridge, MA, 1990.

<sup>14</sup> See County Legislature of Jackson County, Missouri, Ordinance #1771 (September 11, 1989) (enabling legislation), and Resolution #8010 (September 18, 1989) (setting out proposed expenditures for the Anti-Drug Tax Fund).

prosecutor would be a member of a Fiscal Commission that would receive 50% of funds to administer the corrections, rehabilitation, juvenile and circuit court portions of the program. At the same time, the prosecutor would receive directly, and disburse, 50% of the funds for prosecution (criminal and deferred), crime prevention, and investigations (specifically to the Kansas City Police Department, and Jackson County Drug Task Force).

To the surprise of many in the prosecutor's office, the initiatives passed: the Jackson County Anti-Drug Sales Tax, as it was first known, took effect on April 1, 1990. By the end of 1990, the first expenditures had been made for police, prosecution and juvenile and circuit courts; by late 1991, rehabilitation, deferred prosecution, and prevention expenditures also had commenced.<sup>15</sup> Having worked to develop and pass the drug tax legislation, Riederer was then faced with the equally daunting task of implementing the initiatives. Within the prosecutor's office, he created a special trial team of sixteen assistant prosecutors to prosecute all drug-related crimes. A separate "Docket O," dedicated to drug cases, was created in the circuit court in April 1991 to prevent the development of a backlog, with drug tax funds paying private attorneys to represent drug defendants. Riederer also organized the Drug Abatement Response Team (DART) that would work with police to close down drug houses and eliminate other centers of drug activity in specific neighborhoods, and upgraded the computer capacity of the prosecutor's office. In response to the concerns raised by local community groups, Riederer appointed "neighborhood prosecutors" from his office who, in addition to their usual litigation and case processing responsibilities, were assigned to work with neighborhood associations in specific areas to follow up on prosecuting offenses from these areas, and where feasible to work with police to help citizens address particular crime problems. Riederer believes that the neighborhood prosecution program did not really catch on at that time, however, because the culture of the prosecutor's office was oriented so strongly toward processing cases. While a few prosecutors worked well in this role, moving into local neighborhoods, communicating frequently and easily with local citizens and police, and following up on community concerns through both prosecution and other means, other prosecutors did not pursue these activities.

The early days of the Anti-Drug Sales Tax were a heady, if hectic, period. The availability of new funds brought concerns for fiscal accountability—one of Riederer's major worries, and entirely understandable since he was responsible for disbursing and/or spending a large portion of the drug tax funds. Inside the office, he hired two drug tax administrators (who had a small staff), and began to equip prosecutors with computers, software, and training that had been sadly lacking. Outside the prosecutor's office, there was no formally organized treatment structure in existence. On the whole, most informants believe that Riederer was a visionary, whose principal strengths lay in developing a broader and more comprehensive approach to drug-related crime and other local problems than had been taken by previous prosecutors; in developing the new ideas and legislation that led to the passage of the sales tax; and in his sense of fiscal integrity and desire to ensure that tax funds not be used improperly. Yet when the Anti-Drug Sales Tax actually passed, catching many by surprise, Riederer and his staff were not fully prepared to develop the new structures that the tax would eventually support and that would be required to initiate full-fledged prevention and treatment components.

Claire McCaskill had arrived on the scene earlier as an assistant prosecuting attorney, working briefly under Riederer in the early 1980s. Beginning in 1982, she then served three terms in the

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<sup>15</sup> For an account of the origins and development of COMBAT, see Gregory Mills, *Community-Backed Anti-drug Tax: COMBAT in Jackson County, Missouri*, NIJ Program Focus, 1996, NCJ 160937.

Missouri General Assembly as an elected representative. In 1988 she filed in the Democratic primary to run for Jackson County Prosecutor, but then withdrew when Riederer also ran. He won the primary. Deterred only temporarily from reaching the prosecutor's office, McCaskill decided to run instead for the county legislature: serving from 1990 to 1992, she used her position to prepare for a move in the next election. In particular, she focused on the drug tax budget, learning it from the inside out, perhaps better than anyone else in government at the time. She fully understood the potential inherent in the drug tax program: the money was there to upgrade prosecutors' salaries; she would plan a drug court; she would expand prevention and treatment initiatives; and she would reach out to better inform the community about how drug tax monies were being spent. More than anything else, she could envision a comprehensive program of integrated, mutually reinforcing components. By the time of the 1992 campaign, she was ready. This time Riederer chose not to run, and McCaskill became the Democratic candidate for Jackson County Prosecutor.

### *The 1992 Campaign for Jackson County Prosecutor*

McCaskill's opponent in the 1992 campaign was Republican Pat Peters, a deputy prosecutor in Jackson County, popular in the office and known as a tough and competent trial attorney. Peters portrayed himself as the "professional prosecutor;" and McCaskill as the "politician." The major issues addressed in the campaign were repeat violent offenders, and questions regarding the effectiveness and operation of the anti-drug tax program. It was the general election that mattered to those in the prosecutor's office because Peters worked among them, while McCaskill was an outsider. Politically, however, the primary was the key race, where McCaskill faced Mike Schaffer, another former deputy prosecutor. Schaffer raised McCaskill's prior experience, especially in the county and state legislatures: she was accused of being a "hack," moving from office to office.

In characteristic fashion McCaskill responded directly to all the charges, turning criticisms into attributes in her favor: she argued that public service itself was a plus, regardless of the particular office; in fact, as a county legislator she had gained a detailed knowledge of the drug tax and current programs financed by it. She was familiar with the problems she would face as a prosecutor, and had established her priorities: repeat violent offenders among them. Trying to stay away from the gender-based "is she tough enough?" debate, McCaskill explained that she would be aggressive with violent offenders, but would also favor alternatives where they might be more effective—such as deferred prosecution through the drug court. The Fraternal Order of Police endorsed McCaskill: her "tough talk" on offenders may have gained her some credibility with them, but it also could not have hurt that she had represented the union in private practice. The polls showed this support reassured people that she was tough, even though a woman. McCaskill won the final election with 62 percent of the vote.

## THE JACKSON COUNTY PROSECUTOR'S OFFICE UNDER CLAIRE MCCASKILL

### *A New Administration: First Moves*

McCaskill took office with a full agenda for expanding and further developing the Anti-Drug Sales Tax program, for addressing several other substantive areas in prosecution—domestic violence, sexual abuse, and repeat violent offenders, and for changing the "culture" of the prosecutor's office. Instituting these changes would require initially: (1) winning over prosecutors in the office;

(2) introducing greater diversity among staff both by bringing non-lawyer professionals into the office to address drug-related problems in new ways, and by opening up key positions to minorities and women; and (3) creating positive relationships outside the office with city and county officials, police departments, the courts, and the media. The first steps McCaskill took were indicative of the shape her overall strategy would assume, both in form and in substance, over the next few years.

Within the prosecutor's office, McCaskill faced obstacles that had to be overcome immediately so that she could move on to address her substantive goals. At first, stabilizing the office--overcoming distrust that carried over from the campaign and earning the confidence of her staff--was the immediate priority. To convince her staff that she did know how to run a prosecutor's office in spite of having worked only a few years as a young prosecuting attorney, she spent considerable time with upper management, provided a lot of reassurance, and tried a few cases herself. As does any new prosecuting attorney, she made changes among executive staff, and weeded out those few carryovers from the previous administration who she did not believe would be productive and work well within her office. But she also retained as senior staff a number of Riederer loyalists, at least some of whom have since become trusted advisors.

In a conscious effort to bring diversity to top management, McCaskill took two steps: first, she appointed to supervisory and executive positions a number of minorities and women from both inside and outside the office. To avoid charges that she was sacrificing quality in the name of diversity, when one of her minority appointments did not work out in a supervisory position, McCaskill removed the individual. The message was clear: qualified minorities and women were welcome, but if they did not produce, they would not stay in the office.<sup>16</sup> Second, McCaskill appointed non-lawyers to executive positions. Soon after taking office, she hired James Nunnelly, a skilled public health professional, to head the new administrative division of COMBAT (in a conscious effort to draw attention to and revitalize the drug tax program, McCaskill had renamed it COMBAT, the Community-Backed Anti-Drug Tax, and developed a new logo) and guide the prevention and treatment components. She appointed Nunnelly, along with the Director of the Victim and Witness Services and the Chief of the Family Support Division of the office, to the executive staff. These new appointments sent a message to personnel inside the office: McCaskill valued not only seasoned trial attorneys, but innovative and creative newcomers who brought other skills to bear on the range of problems she would address as prosecutor. Furthermore, she would look for solutions to these problems both inside and outside the courtroom—through aggressive prosecution, and through diversion, prevention and treatment.

Outside the office, McCaskill set about creating the ties that would nurture collaborative ventures with other city and county agencies. For example, she turned to building a bridge to the Kansas City Police Department, to repair the negative relationship that had grown up between her predecessor and the department. Two actions by her laid the groundwork for gaining considerable credibility and support from the police. First, McCaskill followed up in office on her campaign promise to aggressively prosecute repeat violent offenders by changing office policy on the armed criminal action (ACA) issue. Under Missouri law, armed criminal action constituted an ancillary charge—a separate count (in addition to an underlying charge) that could be filed if a weapon had been used in the commission of a crime—that carried with it a mandatory three year prison term,

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<sup>16</sup> Prosecutor Riederer reports that he also made it a priority to hire women and promote them to significant positions—for example, as trial team leaders and Chief Warrant Officers—within the office. Many of these individuals worked for McCaskill after Riederer left office.

with no probation. Because of the high volume of cases involving crimes against the person, this charge was increasingly being dropped if the offender would plead guilty to the underlying charge. When McCaskill became prosecutor, she immediately changed this policy: no ACAs would be dropped in any case without prior permission from her, the Deputy Prosecutor, or Chief Trial Assistant (for the drug or non-drug division, as applicable). The police were jubilant. McCaskill then lobbied for and helped secure passage of state legislation (which took effect in 1994) requiring that an offender serve at least 85% of an imposed sentence for the most serious felonies—arson, first degree assault, kidnapping, forcible rape, forcible sodomy, murder in the second degree, first degree robbery.<sup>17</sup> In November 1993, she took another step toward improving prosecutor-police relations by creating the position of police liaison, a six-month rotation for a senior trial attorney with filing experience who would be housed in the Kansas City Police Department (KCPD). The police liaison would review all cases (warrants and “in custody”) involving crimes against persons (robbery, assault and battery, homicide), decide whether to file, be readily available to consult with officers needing legal advice, and on call for homicide investigations. Prosecutors continue to serve in this position today, and often find it a difficult experience: isolated from their fellow prosecutors, they must “prove oneself constantly” to police with whom they work, in particular justifying their decisions not to file cases. Police officers recognize the discretion prosecutors exercise over filing decisions: when a police liaison is new, it is natural to test him or her in order to find out what the policies will be. In spite of these tensions inherent in the role of police liaison, McCaskill has maintained the program. Along with her aggressive prosecution of repeat violent offenders, it has brought her substantial support and credibility in the KCPD that spills over into other areas.

McCaskill’s policy in dealing with KCPD, as with other external agencies, would be guided by principles of honesty, directness and candor—and a resolve never to “badmouth” them in public. From the very beginning, she demonstrated this same sense of forthrightness with the press and public, whether the issues involved prosecution, or were personal and close to home. During her first year, the prosecutor’s office bungled a case in which police had invested considerable resources: a man who ran a late-night party house that was very troublesome to the neighborhood was allowed to plead guilty, and was given probation after the police department had worked the case really hard. McCaskill and her staff had not gotten the information about how important the case was to police. Instead of defending the office, she simply said to the press: “we really screwed up, made a mistake, and it was our fault.” The issue just went away.

#### *Reinventing the Image of the Prosecutor: A New Mission*

From the beginning, McCaskill has presented herself as a no-nonsense, hard-line prosecutor, especially when it comes to repeat violent offenders. “We want to be able to tell the community we’re hammering these people. There’s this belief they’re being immediately paroled.” Evidence (such as her policies on armed criminal actions, and repeat offenders in domestic violence cases) suggests that she *is* tough and aggressive. At the same time, she recognizes that prosecuting and winning more cases won’t solve every problem: “The question . . . is what should we do with these people—the possessors and rock slingers who are disrupting neighborhoods? To merely arrest them and put them on probation is pretty meaningless.”<sup>18</sup> Being tough gives McCaskill the

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<sup>17</sup> RSMo 556.061; RSMo 558.019 (1994).

<sup>18</sup> Margolies, “Hard Line; Prosecutor McCaskill cuts no slack.” *Kansas City Business Journal*, April 22-28, 1994, p. 3.

breathing room to set up the prevention and treatment alternatives that she also sees as valuable without being vulnerable to charges of doing “social work.”

McCaskill’s sense of mission for a prosecutor emerges more completely in the nature of her leadership of the Jackson County Prosecutor’s Office, in her shaping of the structure and functioning of that office, and in the role she has defined for herself within the larger community. As embodied in the organizational structure, administrative processes, in the culture and operations of the prosecutor’s office, the “business of prosecution” is about public safety—that is restoring, preserving (such as through landlord training programs, neighborhood prosecution efforts) and proactively maintaining public safety (through COMBAT prevention programs) in the community. The basic functions of the office, when taken together, constitute a broad, problem-solving approach that blends crime prevention, public health measures (the diversion program in Drug Court), crime reduction (DART activities), and punishment for repeat and violent offenders (through aggressive prosecution); that focuses on creating a safe environment within the home and family (for example, through prosecution of domestic violence and sex crimes, and working with victims) as well as in schools, on streets and in other public places (as neighborhood prosecutors working with citizens, the Truancy Project, and landlord training programs); that takes account of “low-level offenses” (such as driving under the influence) as well as index crimes. Finally, the “business” carries with it a responsibility to bring the public into the problem-solving process, and to foster the development of a problem-solving capacity where one does not already exist in the community—in specific neighborhoods, among treatment providers, and in collaborative efforts that bring together prosecutors and police with other criminal justice agencies and actors. Keeping the public fully informed at all times of what specific steps the prosecutor is taking to carry out this mission, why and how they are performed, and what the outcome is—whether it be in individual cases prosecuted, treatment efforts, or large-scale prevention initiatives that involve other criminal justice agencies—is an important part of the prosecutor’s duty to the public as McCaskill sees it.

Within the Jackson County Prosecutor’s Office (JCPO), this comprehensive mission of prosecution is most visible in the operations of COMBAT. Yet it underlies no less the activities of the non-drug division, particularly in those substantive areas that McCaskill has designated as high priority—domestic violence, sexual abuse, driving under the influence, and juvenile safety and crime. Not surprisingly, most lawyer and nonlawyer staff within the COMBAT divisions of the office share this general sense of mission; so too, however, do most staff within the non-drug divisions.

### *Leading the Prosecutor’s Office*

Within the prosecutor’s office, McCaskill has created an ethos of excellence and professionalism on the job; of dedication to public service; of pragmatism and a spirit of compromise when it comes to collaborating across boundaries with other criminal justice agencies (the police, corrections, the mayor’s office); and of the need to seek and develop solutions for problems apart from prosecution alone. Her staff see her as a “hands-off manager” who invests in and demands a lot from them, but who then steps back and expects that they will perform as competent professionals. McCaskill delegates responsibility for day to day office operations, and substantial discretion in the application of policy, to executive (and to some degree mid-level) management. She has included both former Riederer loyalists and newly recruited staff, assuring that her actions are seen as equitable. Among those remaining from Riederer’s administration is Deputy Prosecutor Mark Jones (who worked under Riederer as head of the criminal division, chief trial assistant, and head of the homicide committee), who oversees the day to day operations of the

office, troubleshoots when she is away, and serves as a key policy advisor and “traffic cop”—dealing with any and all problems that work their way up to the top of the organization (problems with defense attorneys or judges, policy determinations on crime, as a senior liaison with the police department, overseeing special investigations involving police corruption). A small group of executive staff meet with McCaskill at least weekly to discuss operations, problems, and advise her in policy formation. They act with considerable autonomy, authority, and discretion in their respective domains; as do most executive staff, and her mid-level managers—among them the heads of the domestic violence, sex crimes, and DART units.

Being a “hands off” manager does not mean that McCaskill is out of touch with what is happening in the office. She deliberately selects and tries three or four cases a year, to maintain courtroom skills and both internal and external credibility as an aggressive prosecutor, and has taken a very active role in specific cases, especially those having broader implications than one specific outcome--“minefields” or media cases dealing with policy and community direction. In these instances McCaskill will “jump in and work with the line prosecutors!” She also oversees the execution of specific projects, such as the food stamp fraud during the early 1990s flooding (see below). She carefully follows the progress of new prosecutors, and regularly creates opportunities for personal contact with staff throughout the organization, including those at lower levels and in satellite offices. Staff recognize her interest and perceptiveness: most mid-and low-level assistant prosecutors will first approach a trial team leader, former supervisor, or other senior prosecutor in the office for advice or help with a problem, yet they see McCaskill as receptive if they want direct contact with her—and some do.

In line with the broad mission of prosecution she espouses, McCaskill has recruited COMBAT administration staff to provide another set of skills and perspectives within the office, and to reach out to the community. Perhaps recognizing that a key element in COMBAT’s success would ultimately lie in bringing treatment and prevention providers into a genuinely cooperative venture with police and prosecutors, upon taking office she put together a diverse and highly qualified collection of individuals with varied backgrounds. Top COMBAT administrator James Nunnally, with long experience in public health, would work toward bringing recognized professional concepts into prevention and treatment programs in COMBAT initiatives. Nunnally “made the Drug Court happen” by developing policies requiring as a condition of funding that prevention and treatment programs establish linkages to law enforcement. He also was able to bring thirty prevention contractors into a cohesive group with common goals and accountability standards. Deputy Administrator of COMBAT Pat Glorioso, who had served previously as an ombudsman in Jackson County and in other local government capacities, would act as liaison between COMBAT and local city and county government. Both she and the director organize coalitions, conduct research and attempt to develop programmatic solutions to community identified problems. Glorioso’s experience enables her to maneuver through local and state legislative processes and the local political environment, to facilitate the development of private-public partnerships.

Chief of planning, development and communications for COMBAT, Kristen Rosselli’s background is in private sector marketing with Hallmark. She is well versed in product management and program development, and brings these skills to bear on behalf of the JCPO. Rosselli organizes many of the collaborative crime prevention efforts by building coalitions that involve KCPD, the mayor’s office, other governmental and criminal justice agencies, and members of the community—such as the Paseo Corridor and Lincoln Gardens initiatives described below. She is also one of two key media experts in the office—Rosselli’s job is to generate media awareness, and acts as a community liaison for McCaskill, thereby keeping the public informed about the impact

of office programs. Other COMBAT administration staff hired by McCaskill would similarly bring skills and experience to bear upon the development of a truly broad-based approach to drug-related crime and social problems in the county.

If McCaskill's approach to managing most office operations is "hands-off," this does not apply to the budget, where she is seen by staff as a "micro-manager," who even "governs through the budget." This is not surprising: upon taking office as prosecutor, McCaskill already knew the COMBAT budget in detail, and had planned the changes she would make, including raising salaries in the office. She has since built a capacity within the office for locating opportunities for funding of city and county programs from state, federal and private sources (many of which she identifies by reviewing government announcements), and works with staff to develop programs that involve collaboration with the mayor's office or some other agency where such partnerships are required (such as in domestic violence). Staff (including prosecutors) both in and out of the COMBAT administration write grant proposals for projects to leverage outside dollars by making use of COMBAT grant match funds over which McCaskill has control. These funds are available for use in matching grants received from outside funding from federal, state or private sources: authority to disburse these funds provides McCaskill the power to choose and foster partnerships in the community. McCaskill has also developed the Bad Check Unit into a moneymaking "service to businesses" that will collect \$1,000,000 in 1997, at least \$500,000 in profits that are used to support the computer staff of the office, computer hardware and software, all office travel, and auto expenses.

#### *Changing the Organizational Structure*

When McCaskill became prosecuting attorney for Jackson County, her plans for expanding and further developing the Anti-Drug Sales Tax program led to a major restructuring of the prosecutor's office itself. Underlying the changes she would make were two primary policy objectives: aggressively prosecute repeat violent offenders; and expand and develop the prevention and treatment components of COMBAT. The most significant structural changes involved the division of criminal prosecution into drug and non-drug divisions, and the creation of a drug tax administration section, to oversee prevention and treatment initiatives and activities. Other changes reflect her priorities (within divisions) in areas outside of COMBAT—such as her attention to reorganizing the Family Support Division internally, and raising its status within the office. The current structure is shown in Appendix A.

McCaskill herself regards the five major divisions of the prosecutor's office as: criminal drug prosecution; criminal non-drug prosecution; drug tax administration; family support; and the Independence unit (which is actually a separate office geographically, but is integrated functionally with the Kansas City office). In addition, she has designated two groups of "executive staff," one a subset of the other. The "full" executive staff is comprised of the head of each of these divisions, plus the deputy prosecuting attorney, the operations administrator, the director of victim services, the chief investigator, the public affairs administrator, the head of the Kansas City warrant desk, the director of the management information systems unit, and the police liaison prosecutor. Meeting every two weeks, it provides a forum within which broad, office-wide policies are discussed and activities integrated, including those undertaken out of the office and in the community. The "small" executive group, including the deputy prosecuting attorney, and the division heads of drug prosecution, non-drug prosecution, and family support, meets weekly. This group brings together McCaskill's core advisors on policy, personnel issues and day to day operations having to do with prosecution activities in the office.

### Criminal Drug Prosecution Division

The Criminal Drug Prosecution Division is comprised of two trial teams in Kansas City; the Independence Drug Unit; DART (Drug Abatement Response Team); SATOP (Substance Abuse Traffic Offender Program); the Drug Court (deferred prosecution and diversion); and a warrant officer.

The Drug Court, created late in 1993, is a diversion and treatment program available to offenders who are drug users, and who are not disqualified for having been charged with, or having committed or been convicted of, a number of violent crimes, or having possessed or sold in excess of specific amounts. During 1996, McCaskill approached the State Legislature for authorization of a magistrate position (commissioner) for the Drug Court so that whatever changes (or strains) might occur on the bench, the existence of the Drug Court itself would not be threatened. She was successful. Cases come from the entire county, and may be reviewed for Drug Court screening at any time between arrest and final disposition. The screening process consists of a three week comprehensive assessment to determine eligibility and appropriate level of treatment. Once accepted, an offender signs a written agreement with the Drug Court judge, and then begins a one year period of individually determined treatment, ranging from a twelve step program to residential, in patient treatment, and other types of activities. In July 1996, the Judge Mason (Day Report) Center opened, to provide a site for central intake and assessment for all Drug Court reviews, as well as a location for intensive day treatment. The Drug Court commissioner monitors performance in accord with the signed agreement, and may require the client to appear before him regularly. Failure to comply with the agreement, or being charged with a new offense, results in termination of the client's participation in the Drug Court, and immediate prosecution. Upon satisfactory completion of the program, charges against the offender are dismissed.

In the Kansas City office, drug cases not accepted for Drug Court go to the warrant officer, who again reviews them, decides whether to file, and handles them through preliminary hearings, including making a plea offer. If no plea agreement is reached, a case moves on to arraignment and one of the trial teams. The same basic procedure is followed for drug cases filed in Independence, and tried there.

SATOP is a state-mandated program, begun in 1994, that in addition to prosecution in the state courts, requires treatment for repeat offenders who drive while under the influence of alcohol or drugs.

DART, originally created in 1991, is headed by an assistant prosecutor, and carries out a number of activities aimed at closing down drug houses and other sites of intense drug-related activity such as methamphetamine labs. DART operates countywide, in collaboration with the Street Narcotics and Drug Enforcement Units of KCPD (as well as specific patrol divisions) and various city agencies such as the Fire Department and the City Housing Codes Inspector in Kansas City; and the Eastern Jackson County Drug Task Force and other municipal agencies in eastern Jackson County. Both criminal suits and civil actions (such as forfeiture and nuisance abatement) are pursued, and the unit offers training to landlords and property owners seeking to prevent and reduce drug activities on their property.

### Criminal Non-drug Prosecution Division

The Criminal Non-drug Prosecution Division includes two general crimes trial teams, plus the Sex Crimes Unit, and a Domestic Violence Unit. There are also two warrant desks--for Kansas City

and Independence--and the (KCPD) police liaison. Kansas City Warrant Desk prosecutors are located in a separate building out of the main office. Warrant desk attorneys review nonviolent and property crime cases, as well as many violent crimes, decide whether to file, and conduct preliminary hearings, presenting a plea offer at the time. The KCPD police liaison reviews and files in-custody and selected cases involving crimes against the person (assault, robbery, homicide). Homicide cases are usually reviewed by the county homicide committee before indictment.

A Sex Crimes Unit, which handles cases through vertical prosecution, has operated in the prosecutor's office since 1983. Sex crimes from the entire county are prosecuted in Kansas City (a grant has just been obtained to build this capacity into the Independence office as well), with attorneys in the unit reviewing cases and conducting everything from pre-filing interviews through trial. Domestic violence cases from Kansas City are also prosecuted vertically through the Domestic Violence Unit.

#### COMBAT (Anti-Drug Tax) Administration

The COMBAT Administration Division has been expanding and evolving since McCaskill took office. The most significant changes in its internal structure and functions occurred as a result of alterations in the overall COMBAT program that followed the review of the program undertaken in 1993, midway through the first seven year period of authorized operation. Concerns emerged over possible conflicts of interest for certain members of the Fiscal Commission, primarily the two representatives of public health organizations, who were in a position to influence decisions regarding distribution of funds at the same time that they represented treatment providers who might be seeking funding. Additionally the advisory panel conducting the review concluded that greater input from the community should be sought, that coordinated public policies needed to be established, and greater integration achieved, for the prevention and treatment components of COMBAT.<sup>19</sup> In 1995, the Jackson County Legislature authorized changes in the Fiscal Commission to be implemented upon renewal of the drug tax by the voters. Early in 1996 these changes took effect: the county executive appointed seven members to sit on a new COMBAT Commission, along with three ex-officio (non-voting) members—McCaskill, the KCPD chief, and the chairman of the Eastern Jackson County Drug Enforcement Task Force. The COMBAT Commission thus took the place of the former Fiscal Commission, which had been chaired by McCaskill and composed primarily of criminal justice agency heads, along with the directors of two major drug treatment facilities. The COMBAT Commission has responsibility for administering and disbursing funds for prevention as well as treatment initiatives funded by COMBAT.<sup>20</sup> The transition process is underway, with COMBAT administrator Nunnely and his staff assisting.

McCaskill believes it was time to have the community assume a larger role in setting policy and overseeing operations for COMBAT. Furthermore, she was not sorry to see oversight of the competitive RFP processes by which prevention program operators are selected to receive funds pass out of the prosecutor's office, since it meant that she would be relieved of having to say "no" to community groups. Most importantly, with the changes that were implemented, she was left with control over the grant match fund--10% of COMBAT revenues (as opposed to 7.5% for

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<sup>19</sup> "Report to the Jackson County Legislature Anti-Drug Committee," including Appendices A to O, presented by the Special Advisory Panel to the Anti-Drug Committee, December 27, 1993; and "COMBAT: Progress Report to the Jackson County Legislature," Office of the Prosecuting Attorney, Jackson County, Missouri, 17 July 1995.

<sup>20</sup> Ordinance #2490 (Nov. 13, 1995), Jackson County Legislature, Jackson County, Missouri.

prevention that went to the COMBAT Commission). And under the original legislation, she is still viewed as the “leader” of COMBAT efforts in the county.

Nevertheless, these changes led to alterations in both the structure and functions of the COMBAT Administration Division in the JCPO. At the present time, apart from the administrator, deputy administrator, and director of planning and development (whose responsibilities were described above, and who continue to be involved in working directly with prevention and treatment providers in the community), a program data coordinator oversees the collection of data amassed by treatment providers through a uniform assessment document and from prevention providers on clients served. A treatment services administrator monitors intake and assessment, as well as treatment services offered at the Judge Mason Center and in conjunction with the Drug Court. Finally, a grants administrator is in charge of identifying proposals, and opportunities for funding from outside the community, with an eye toward matching these up; she also administers local funds that have been allocated.

Now that responsibility for distributing funds for prevention initiatives has moved out of the prosecutor’s office, and now that McCaskill herself is neither the chairperson nor a voting member of the commission that does control these processes, the outstanding long-term questions are: what functions regarding prevention and treatment will continue to be performed within the COMBAT Administration Division of the JCPO? How will treatment and prevention providers be made accountable to working with police and prosecutors? How will a public health perspective continue to inform the selection of programs for funding when that process is managed by a commission made up of community members who are not public health specialists, as are those who work in the COMBAT Administration Division of the prosecutor’s office? Up to this time, because of the strength of her past and present positions in COMBAT, the power of the prosecutor’s office, and the recognized skill and expertise of COMBAT Administration staff such as James Nunnally, McCaskill has been able to maintain a substantial degree of informal influence in the operations of the COMBAT Commission. The future is uncertain. These issues will no doubt be considered in the formal evaluation of COMBAT currently underway.<sup>21</sup>

#### Family Support Division

The Family Support Division, made up of three trial teams in the judicial enforcement section plus a five team administrative enforcement section, has two primary functions: to establish and enforce support orders (including medical support), and to establish paternity for the purpose of establishing rights for a child (including support). The Sheriff’s Department works with the division on specific cases—KCPD is not involved. The division brings civil suits on behalf of the state to establish paternity. The prosecutor has discretion to file nonsupport actions either as criminal suits or civil contempt of court suits: no written policy exists, but civil suits are generally filed where criminal suits cannot be (such as where arrears are sought but children are too old to receive current payments). Only non-AFDC cases are handled; the State Division of Child Support processes cases involving AFDC recipients. Numbers of cases filed have increased more than 400 percent in the last three years, reaching over 600 during 1995.

The changes that McCaskill has made in this division since taking office have expressed its importance in organizational terms. Previously, prosecutors in the division earned wages generally lower than were paid in the rest of the office; morale was low; and many in the office viewed it as “dumping ground” for prosecutors who did not succeed as litigators in other divisions of the office.

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<sup>21</sup> See note 1.

McCaskill restructured the division, reclassified prosecutors and support staff, raised salaries, and moved the division to a new and better physical facility, attempting to integrate it with the rest of the office to a greater degree. Although the division remains somewhat remote from core operations of the prosecutor's office, morale has improved. The final status and functioning of the division remain an unfinished agenda for McCaskill.

#### Independence Office of the JCPO

Eastern Jackson County, for which Independence is the center of operations for the prosecutor's office, is a mixture of rural and suburban areas, with smaller cities and towns of various sizes. The Independence office (including a drug prosecution unit; a warrant desk for non-drug crimes; and the Bad Check and Tax Collection Units for the entire JCPO) deals closely with the Eastern Jackson County Drug Task Force and the various policing and law enforcement agencies operating in that part of the county. T.K. Rigby, the assistant prosecutor who heads the office, thus fills a key position, representing McCaskill and the JCPO in a setting very different from Kansas City.

The success of the Independence office, which is geographically distinct but in many ways functionally integrated with the Kansas City office, appears to be based upon two factors: first, McCaskill's willingness to designate authority (her "hands-off" management style); and second, the personal confidence and strong sense of trust that McCaskill has in Rigby. Part of the basis for this trust is Rigby's low-key (and sometimes unanticipated by defense attorneys) adroitness and skill in the courtroom; she is also highly respected as a supervisor by assistant prosecutors who have worked for her; and she "fits the style in Independence." The result is that Rigby has the autonomy and flexibility to respond to local crises aggressively and forcefully. On more than one occasion, Rigby has been able to react to concerns raised by a local police agency by mobilizing her own staff and bringing in division heads from the Kansas City office within a matter of two or three days. The good working relationship between the Independence office and the Kansas City office has also contributed to managing tensions that have arisen over the allocation of resources and priorities within COMBAT operations to Eastern Jackson County, and to reducing "city versus suburban or rural" conflicts in the county.

Prosecution of drug and most non-drug crimes is carried out by prosecutors at Independence. The Independence Drug Prosecution Unit works closely with the Eastern Jackson County Drug Enforcement Task Force, which coordinates narcotics investigations for the thirteen police departments of Eastern Jackson County and handles larger and more complicated cases (receiving half the COMBAT funds allocated for police investigation in the county), as well as directly with the police departments, which handle smaller cases. One assistant prosecutor serves formally as a liaison from the JCPO to the Drug Task Force, dividing her time between an office at the Task Force (where she is available to give advice, and review and make filing decisions on cases) and the Independence Office (where she prosecutes Task Force cases). All drug cases are heard by a single judge in Independence.

Sex crime cases that originate in Eastern Jackson County are handled by the Kansas City office (through vertical prosecution), as are arsons, and cases involving juveniles (handled only in the Family Court). Victim witness counselors are provided for operations at Independence as they are needed and available from the Kansas City office. The Bad Check and Tax Collection Units carry out all operations for the entire county from Independence. The Bad Check Unit operates as a "small business:" when McCaskill took office, it collected \$30,000 in a year; in 1997, this figure was close to \$1 million. The Unit deals with approximately 45-50,000 commercial and individual bad checks per year, attempting to facilitate collection. With a letter sent from the prosecutor's

office, collection rates are approximately 80 percent: although a few bench trials were conducted, no jury trials were held in 1996. The Tax Collection Unit, acting on behalf of the State of Missouri, collects delinquent individual income taxes, filing civil suits where necessary.

In addition to these five major divisions, several other special units exist in the JCPO:

#### Victim and Witness Services

The director of victim services, who is a member of the executive staff in the JCPO, supervises a staff of six advocates: two work with the warrant desk; two with homicide survivors (one of whom also coordinates volunteer and intern services); one in sex crimes; and one with domestic violence victims.

#### Investigators

Eleven investigators are employed by the prosecutor's office: a chief investigator; one assigned to DART; three to drug prosecutions; and six to non-drug prosecutions. Investigators primarily assist in preparing cases for trial, since 90 percent of investigative work on the cases is done by KCPD.

#### Management Information Services

The JCPO's computerized information system consists of a relational database with separate modules developed for different units in the office, both COMBAT (such as DART and the Drug Court) and non-COMBAT related, to which everyone in the office has access. Known as "Informer," the system tracks all case information beginning with filing, and can produce case processing and other types of statistical data as required for use in the different divisions. Criminal records are included only insofar as they are contained in police reports. However, during 1996 the system was being expanded to permit communication with Criminal Records at the Circuit Court. Four staff, a coordinator plus one each assigned to oversee hardware, programming, and data quality control, work in the office.

#### *Shaping Administration and Personnel Practices*

##### A New Organizational "Culture"

McCaskill's personnel policies are extensions of the values that she has emphasized in reshaping the culture of the Jackson County Prosecutor's Office. For a prosecutor in office less than five years, she has shaped the culture of her organization to a remarkable degree. Almost to a person, every assistant prosecutor and staff person interviewed in the office described McCaskill as inspiring a long-forgotten sense of idealism ("not since John Kennedy . . .") and pride in the role of prosecutor. She demands their best work, but does not stifle them; establishes priorities (such as domestic violence) that they see as important; and is "fair" and direct in her dealings with staff. She will also "take the heat" from the media and in the community, and stand behind them. Finally, staff appreciate that the respect McCaskill has earned in the community and with various police departments rubs off on them, increasing their own sense of self-esteem in dealings outside the office.

McCaskill also gains support from staff by being prepared to take risks—at times appointing relatively inexperienced prosecutors or other staff members, many minorities and/or women, to challenging positions that give them an opportunity to prove themselves. Using a combination of intuition (McCaskill doesn't even think twice before responding that she can "smell" potential), and shrewd judgment based upon the individual's prior record of hard work, commitment, and competence, she takes a chance. Many of these individuals prove themselves admirably, not only

succeeding in the job at hand, but moving on to other key positions in the office. For example, when Kansas City, along with many other midwestern areas, experienced serious flooding during the summer of 1993, McCaskill asked Assistant Prosecutor Kathy Finnell, previously a public defender who was relatively new to the prosecutor's office, to carry out food stamp prosecution. Working closely with McCaskill, the job grew for Finnell: she developed charge codes and oversaw an amnesty and eventually prosecutions—in what would become a joint city/state/federal investigative effort. The “food stamp fraud lady“ received calls for years after, from around the country, even though she had moved on to work with the Grand Jury, then to a trial team position in the drug prosecution division (where she was a neighborhood prosecutor for a tough, inner city area), and eventually to head up the DART unit for eighteen months. A competent litigator, Finnell's additional strengths lay in problem solving and communicating—with patrol officers in the KCPD, with code enforcers for the city, with city prosecutors, with municipal court judges. She knew how to bring them all around to see the importance of what she was doing, and to commit themselves to working with her.

There is clearly room in the office for individuals who are oriented more toward a view of prosecutors as tough litigators; but they must produce, and they must operate within set parameters that include showing sensitivity to and being able to work with victims; establishing positive relationships with police; being aware of community interests in the treatment and outcome of individual cases; and acknowledging treatment and prevention as part of a continuum of possible solutions to crime problems. For example, assistant prosecutors in the drug prosecution division are encouraged to become neighborhood prosecutors. Some accept these responsibilities and maintain the role even when they move out of drug prosecution and into another position in the office; others do not. McCaskill tolerates difference, so long as the individual can work as part of a larger problem-solving process.

At the same time, McCaskill works at winning the loyalty and trust of her employees. She is anything but aloof (moving easily from clipping newspaper coupons for the next grocery store trip one minute to dealing with a tough policy situation the next), and creates occasions regularly to have direct contact with executive staff, line prosecutors and support staff alike. Day-long retreats are held yearly for COMBAT administration personnel (including Drug Court and Judge Mason Center staff), and for the larger executive staff group. The retreats are aimed at reviewing previously established goals, assessing progress, planning, discussing problems that have arisen and changes in programs, and receiving direction from McCaskill herself. At office-wide meetings every two to three months, she dispenses awards for years of service to the office, not only from assistant prosecutors, but secretaries and other support staff, and praises contributions made by office employees. Office-wide picnics with families are held during the summer. Staff are encouraged to attend the annual COMBAT day and a picnic for people graduating from Drug Court and other treatment programs.

McCaskill also conducts periodic anonymous surveys of various groups of staff members as information-gathering measures to get at specific issues within the office (for example, to identify high producers; gripes; specific needs within departments). This past year, surveys of staff told McCaskill that she was not spending enough time “one on one with the troops.” She therefore held a series of roving lunches in the office, meeting informally with groups of secretaries, staff in family support, or other areas, talking with them and asking about their concerns. From other surveys she learned that a new copy machine was badly needed in one department (the old one was replaced, to the delight of staff); and that one member of her executive staff lacked the confidence of assistant prosecutors, and was not as effective a supervisor as McCaskill expected her top

prosecutors to be. The net effect of these activities appears to be that employees feel “valued,” that their views are worth hearing, whatever their role in the office. And McCaskill herself has open channels of communication that she can use at any time to obtain information and identify problems, quickly, in order to maintain the functioning of the office and take action where it is needed well before a crisis develops.

### Personnel

The JCPO employs a total staff of 180: 78 prosecutors (including part time); 7 victim advocates; 11 investigators; as well as various types of support staff. McCaskill relies on her Deputy Prosecutor to screen applicants for available assistant prosecutor positions. Hiring is highly competitive, and rarely done for specific positions. Instead, prospective prosecutors are expected to be capable of working in a number of different roles in the office, based upon several criteria: judgment, knowledge of the law, writing skills, desire to work in prosecution, evidence of a commitment to public service generally and to the local community (a more recent requirement), and ability to relate to minorities and other subcultures (since many victims come from these groups). Less than 10% of applicants are interviewed. Most hiring is done at entry level, with about 80% having just completed law school or a clerkship.

Once hired, new prosecutors are carefully monitored by McCaskill herself. They generally rotate through a number of different positions, each lasting about six months: experience on the warrant desk is considered important in developing critical case assessment skills, and many also work on a trial team in the drug unit. Trial team leaders and senior trial attorneys are expected to mentor and train less experienced assistant prosecutors in setting plea terms and sentencing recommendations, as well as in trial techniques, through a “second chair” system in trials and by providing nearly continuous feedback on the job. Opportunities to attend educational workshops and seminars around the country, with expenses paid by the office, are available to assistant prosecutors, particularly those who have been on the job for two to four years and are promising career prospects, as well as for more senior staff.

Compensation scales in the JCPO are generally uniform within the office across litigation and non-litigation components, depending upon whether staff are supervisory or not, and reflect years of experience as well as assessed competence. As in most prosecutor’s offices, entry level salaries remain discouragingly low for attorneys, and generally do not rise to private sector levels even with advancement—a major stumbling block to retaining the best as “career” prosecutors. A newly created level of Trial Attorney, with over ten years of experience in the JCPO, will offer significant raises to a small number of staff.

Yearly written evaluations are conducted for all employees, specific to their position and function within the office. Using a rating scale of 1-5 (from unsatisfactory to outstanding), trial team leaders assess assistant prosecutors in a number of performance areas, including specific skills related to trial preparation and execution, as well as their relationships with police and victims and witnesses. Written explanations are required wherever exemplary ratings are awarded, and for areas identified as needing improvement (including specification of plans for three, six, and twelve months). Because McCaskill continually monitors staff performance through her own informal channels, these formal evaluations provide few if any surprises to her. She regularly discusses the performance of new staff with members of her executive staff, chief trial assistants, and trial team leaders, and is accessible to prosecutors who might be having difficulty with a supervisor as well. In 1996, she turned the tables and (anonymously) surveyed staff about their opinions of

supervisors—in this case largely confirming her own assessments of existing problems and strengths.

When employees do not measure up to performance standards on the job, McCaskill’s approach is first to encourage improvement and give a warning—talking individually with the employee about the problems that must be corrected. Staff view her as empathetic but firm: some who have experienced personal problems that temporarily interfered with their work have been impressed by the fact that McCaskill herself is a single mother of three, yet still manages to out-produce virtually everyone else. When she warns that personal difficulties cannot excuse poor job performance, they cannot argue that she is setting an arbitrary standard that she does not follow herself.

### *Tactics and Activities*

#### Problem-Solving

Some staff in the JCPO characterize McCaskill as “more service-oriented than result or outcome-oriented” (meaning winning cases or favorable dispositions), and as applying “the tools of prosecution to approach social problems.” But the core functions and activities of the office suggest that McCaskill views prosecution and other types of tactics as equally important components that alone, or in combination, contribute to solving specific problems. McCaskill divides her own time about evenly between the drug tax programs and the non-drug programs in the office, and sees tying the two together as one of her biggest challenges. In many respects this process is already underway. Above all, the philosophy underlying COMBAT and the range of activities supported by drug tax funds provide a model of comprehensive problem solving that prosecutors working in other divisions of the JCPO office ultimately cannot ignore.

Both directly and indirectly, the presence of COMBAT benefits the operations and problem-solving efforts of the entire JCPO. First, within the office, the substantial staff of non-attorney specialists who work in the COMBAT administration constitute a valuable resource for other programs and problem-solving efforts. They bring diverse experience and knowledge from previous work in fields such as public health, social services, government, and business; possess useful skills in grant writing and performance measurement and evaluation; and can link prosecutors with other segments of the community. Second, the COMBAT Administration offers a set of capacities that can be replicated in non-COMBAT activities: for convening participants and then facilitating activities targeting crime prevention and reduction in the community, for collecting data on current treatment programs, for strategic planning of all COMBAT activities countywide, and for continuing to oversee certain administrative aspects of treatment/deferred prosecution projects. Third, when it comes to collaboration between the prosecutor’s office and other elected officials and criminal justice agencies—the mayor, the police, the courts, the county legislature—the moral authority and political capital that McCaskill has earned as leader of COMBAT carry over into efforts that are not strictly drug-related. These collaborations enhance prospects for making greater advances in the prosecutor’s priority areas, such as domestic violence: working closely with Mayor Cleaver (who shares her commitment), McCaskill has developed a uniform policy and set of practices to integrate prosecutions in the municipal courts by city prosecutors and in the Circuit Court by her own staff. Fourth, crime reduction, prevention and treatment activities funded by COMBAT inevitably have a positive impact in preventing and/or reducing other types of crime and dangers to public safety. For example, DART and KCPD activities targeted at drug houses routinely discover violations of health and fire codes, have an impact on prostitution and other types of crime that cluster around these locations, and often result in reductions in overall violent crime in the entire neighborhood.

Although to a lesser degree than is possible within COMBAT, McCaskill is building a problem-solving capacity into the operations of many units and divisions in the prosecutor's office. Nearly all these efforts involve identifying a problem or set of problems—a specific offense (McCaskill's priorities here have been guns, open air drug markets, domestic violence, and compulsory school attendance), a concentration of crime and quality of life offenses occurring in a specific location, area or neighborhood (such as “meth” or drug houses; the Lincoln Gardens housing development; or the Paseo Corridor), or a particular population that is the source or victim of crime (such as the Truancy Project aimed at juveniles and their parents, or repeat violent offenders, both priorities of McCaskill). A broad range of solutions is then developed to address each problem. Specific tactics include: (1) using capacities that exist within the prosecutor's office (such as prosecution of cases, diversion to Drug Court, developing grant proposals to obtain funding for new programs, developing new legislation, providing training to police); (2) collaborating with police, the city and county, other criminal justice officials, and community groups to develop joint policies and coordinate activities; and (3) working with private citizens, and professionals in the community from outside criminal justice (such as treatment and prevention providers), to initiate efforts aimed at reducing and preventing crime.

#### Core Capacities in the Prosecutor's Office

Several core capacities exist in the prosecutor's office: case processing and the development of policies and guidelines related to pleas and sentencing; providing services to victims and witnesses of violent crimes; developing legislation; and creating new programs and special purpose units within the office, most of which have linkages with community groups and other criminal justice agencies.

***Case Processing and Related Plea/Sentencing Policies:*** As described above, case processing begins with reviewing of cases and decisions about whether to file that take place within drug and non-drug divisions; prosecution of cases by trial teams follows within the same divisions. Within the non-drug division, there is a definite trend toward specialized handling of cases at both the warrant desk and in prosecutions that follow. The head of the Kansas City warrant desk personally reviews all cases presented there that involve prostitution and sex for hire charges; campaign finance cases are also reviewed by a single prosecutor. The Sex Crimes and Domestic Violence Units review their own cases and then proceed through vertical prosecution. Tax Fraud cases are also prosecuted by a single attorney.

Case processing statistics are available from the computer database provided through the Informer system. The following figures provide numbers of new case filings in the JCPO that were assigned a criminal record number, and dispositions, from 1993 through 1996. They do not include bad check cases or traffic cases.

**1993-1996 NEW CASE FILINGS AND DISPOSITIONS**

<b>NEW CASE FILINGS</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>
Cases assigned a criminal record number	5251	6597	7706	8137
Complaints filed in associate circuit court	4966	6221	5150	5969
Total new case filings	5627	6837	5588	6445

<b>DISPOSITIONS</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>
Trials	148	173	137	192
Guilty Pleas	3181	4281	3170	3952
Dismissals	1731	1540	1490	1183
Other	18	22	16	35
Total Dispositions	5078	6016	4813	6972

Office-wide policies, as well as plea policies and plea negotiation guidelines specific to divisions and special units (as described below), reflect McCaskill's basic priorities: taking a tough stance with repeat violent offenders, while in other types of cases selectively permitting different sanctions and responses where they would be more effective. Within the Criminal Drug Prosecution Division written guidelines cover interdiction cases (generally a no probation policy); Drug Court participants who are expelled from or voluntarily drop out of the program; and provide general principles on how to treat defendants with prior drug violation convictions (including enhanced sentences), repeat offenders, violent offenders, and defendants with confirmed gang affiliation. Policies and guidelines are developed by senior staff in consultation with McCaskill: they are intended to be implemented with reasonable discretion exercised by prosecutors in individual cases. The Criminal Non-Drug Prosecution Division has no division-wide written guidelines; however, special units such as sex crimes and domestic violence, as well as the Independence office, develop their own as needed.

Office-wide "mandates" (with less discretion to be invoked by prosecutors in following them) cover four areas. They:

- (1) prohibit dismissal of an armed criminal action count without the consent of the Chief Trial Assistant, the Deputy Prosecutor, or the Prosecutor;
- (2) preclude dismissal or reduction of charges for one of the seven "deadly sins" without prior approval of a Chief Trial Assistant or Chief Warrant Officer, and reduction of a first degree murder charge without McCaskill's agreement;

- (3) prevent reduction of a pending charge, or consideration for probation, for repeat violent offenders (defined as felonies included in the seven “deadly sins” and felonious restraint, armed criminal action, or any attempt of these), and require conviction to be sought on the highest grade of offense supported by the evidence, unless approval has been obtained by the Prosecutor, Deputy Prosecutor, or Chief Trial Assistant;
- (4) strongly discourage prosecutors from filing motions for continuances and notices of engaged counsel that would delay prosecution and movement of cases through the courts.

Pleas at early stages (preliminary hearings and arraignments) are encouraged, with several factors to be considered: likelihood of success at trial; whether the case can be disposed of without “giving away the farm;” sufficient jail/prison time (if applicable) to satisfy the “ends of justice;” and whether the plea falls within the guidelines presented above.

***Working with Victims and Witnesses:*** Since 1993, when a victims’ rights amendment to the Missouri Constitution was passed, prosecutors have been required to notify victims before a plea is accepted: this has increased the need for victim advocates’ services. Prosecutors regularly consult with them on cases involving violent crimes to make certain that they (the prosecutors) are working effectively with the victims. Aided by volunteers and interns (usually undergraduate students with at minimum twelve hours of classroom training), advocates offer extensive services to victims of the most serious crimes: homicides (family survivors), assaults, kidnapping, robberies, domestic violence, DWI, and in the area of sex crimes. A Coordinator of Volunteers, supported by a state Victims of Crime Act grant and local matching funds, oversees volunteer and intern activities.

Advocates and volunteers initiate contact with victims and witnesses from information provided at the Warrant Desk (except for survivors of homicides, and victims of domestic violence and sex crimes, to whom advocates are assigned), and stay in touch at least through the preliminary hearing--referring individuals for counseling and other services, keeping them informed of court proceedings, and attempting to be available as needed. From July 1, 1994 through March 31, 1995, 560 victims were provided first-time services by the Victim Services Unit on the trial side: of these 139 were assault victims; 133 robbery victims; 103 were survivors of homicide victims; and the remainder were victims of other crimes, including burglary (39). Many more victims were provided first-time service, including 350 victims of sexual assault or abuse, and 800 domestic violence victims.

Victim advocates and prosecutors alike view McCaskill as very “victim-oriented,” and perceive both an increase in respect and greater demand for advocates’ services in the office during her administration. The director of victim services teaches one component in the orientation to the office received by new prosecutors—clearly a message to them of the importance accorded victims and victim services. Periodic in-house training is also conducted for staff attorneys, to increase their awareness of victim issues and keep them abreast of victim service operations. In addition, the victim services staff give a “traveling heart” award to prosecutors whose work with victims is exemplary. Prosecutors in the office who have received this award express great pride in it.

***Development of Legislation:*** McCaskill herself is one of the top three lobbyists on behalf of prosecutors’ interests in the state, and remains an activist when it comes to legislation generally. She draws on a number of prosecutors and other staff from different divisions within the office to help develop legislation in the areas she designates. She regularly appears before the legislature to

advocate passage of the legislation. For the 1997 Missouri legislative session she proposed initiatives that addressed the following issues:

Witness Immunity - the highest priority of the Missouri prosecutors association and law enforcement organizations in the state, the proposed law would compel witnesses to testify upon judicial order, and allow incarceration for contempt of court upon failure to testify. It would be especially useful in gang prosecutions, or when a factual witness declines to testify against a family member or friend. The new provision would extend greater protection to testifying witnesses than does the current law.

Methamphetamine/Drug Trafficking - proposes legislative changes covering the manufacture, possession and sale of methamphetamine in the state: first, creating a controlled substance would be raised from a Class D to Class B felony; second, extending the list of precursor chemicals to include any and all substances that *could be used* in the manufacture of methamphetamine and providing for additional tracking and records for the sale, transfer or furnishing of these substances; third, classifying as a felony the possession of chemical laboratory apparatuses with intent to use in the manufacture of amphetamines; and fourth, providing an additional felony charge for anyone in possession of a deadly weapon while possessing, selling or attempting to manufacture a controlled substance.

Child Homicide - legislation to increase to an A felony action causing the death of a child through child abuse, neglect, or endangerment.

Domestic Violence - an act proposing that anyone convicted more than two times of misdemeanor assault, under state and municipal law, be charged with a class D felony for third and subsequent offenses. Where serious injury occurs as a result of the assault, other felony statutes with more severe penalties could be charged.

Prostitution - legislation to require HIV testing as a condition of bond for prostitution arrests, to increase the penalty for prostitution after repeated offenses, and to require surrender of a driver's license upon conviction for solicitation of a prostitute from a car.

Landlord Tenant Initiative - to allow easier eviction of tenants for drug activity; to permit neighborhoods and prosecutors to bring eviction proceedings before the Circuit Court; and to provide for partial evictions.

Bounty Hunters - legislation would make bondsmen liable for the actions of bounty hunters; require licensing and training; and prohibit forced entry on any charges other than felonies.

Felon in Possession - legislation to make illegal the possession of a firearm by any felon.

***Development of Special Programs and Units:*** In the operations of special units, case processing is combined with other activities in collaborative efforts to reduce and prevent crime and aid victims. Some depend upon COMBAT funding although they are integrated fully with other operations within the office. Others represent a problem solving orientation being applied outside the realm of COMBAT and drug-related crime. The following represent only a few of the special programs operating in the JCPO.

Domestic Violence Unit - Domestic violence has been a high priority for McCaskill from the time she took office in January 1993, when she immediately established a Domestic Violence Unit. At the time, one prosecutor was assigned to work closely with KCPD to file and prosecute all cases. Due to the high numbers of domestic violence cases, the unit was expanded in 1994 to three assistant prosecutors, one investigator, a victim advocate, and secretary. That same year Mayor Emanuel Cleaver, who shared McCaskill's commitment to addressing domestic violence, helped to create the Domestic Violence Task Force, including Municipal and Circuit Court judges, the KCPD Domestic Violence Unit, Battered Women's Shelters, Kansas City's Law Department, the JCPO, Legal Aid representatives, the U.S. Attorney's Office, the Juvenile Justice Center, and

several non-profit victims' service agencies. A separate Municipal Court was allocated, a docket set up, and an assistant city prosecutor assigned to handle all domestic violence cases prosecuted there.

At present, ten detectives in the KCPD Domestic Violence Unit are given all domestic violence cases to work up (KCPD police must call in on all domestic violence cases for advising by one of these detectives), and initially review. Cases that fall clearly within the guidelines for prosecution in the Municipal Court are sent to the domestic violence prosecutor there. A domestic violence prosecutor from the JCPO meets each day with detectives at KCPD to review remaining cases: those "in custody" must be investigated, reviewed, and the defendant charged within twenty hours. Approximately 600 cases per month were reviewed during 1996. Most were sent to the assistant city prosecutor for prosecution in the Municipal Court, meeting applicable guidelines: where the suspect has fewer than four domestic violence arrests; no weapon was involved; no order of protection was in place; and no serious injury was sustained. All others are prosecuted through the JCPO in the state courts. McCaskill has pushed for lowering the number of prior arrests necessary to have the case move to the JCPO for prosecution, and is now proposing legislation to make a third (or subsequent) misdemeanor assault a Class D felony. At the same time, an explicit goal of the unit is to get help for the defendant: a suspended imposition of sentence (SIS) program provides for a two year probation period to allow for referral to appropriate services (along with a conviction that can be used within the criminal justice system to enhance sentences on further charges, but that does not show up on a criminal record for purposes outside the system).

The unit is now headed by Teresa Moore, an assistant prosecutor with considerable experience in prosecuting both domestic violence and sex crime cases. McCaskill has dictated the general policy that guides prosecution in the unit: "prosecute everything you can, and do not dismiss a case because the victim wants it dropped." Victim advocates assist where victims do not want to proceed, and recently the unit has begun to try cases without the victim's participation. Moore herself has developed plea guidelines and a manual for use in the unit; is involved in training all KCPD officers on domestic violence investigations; and has written grant proposals for state and federal funding to support a similar unit in Eastern Jackson County,<sup>22</sup> and developing a capacity in the JCPO for assisting prosecutors in other counties with trials, training, and developing protocols in domestic violence. Late in 1996 McCaskill planned to convene a "Jackson County Community Council" to bring together representatives of criminal justice agencies, shelters, hospitals, schools, and family services in order to coordinate a community-wide plan for insuring victim safety and holding abusers accountable. Among other goals for the council, McCaskill envisioned collecting information on activities in other jurisdictions, improving information systems and data collection, developing victim safety measures, community education and prevention strategies, policy and legislative reforms, training for professionals.

SATOP - The Substance Abuse Traffic Offender Program was created by Missouri law in 1993: the JCPO received a two year SATOP grant (from the Missouri Department of Mental Health) to address screening, prosecution and treatment of multiple DWI offenders in 1994. The goal was early intervention and treatment of substance abuse offenders: it mandated that any repeat offender, or anyone pleading guilty to driving while intoxicated, had to be assessed for alcohol use and placed in an appropriate program for treatment. The JCPO program was one of four pilot programs to be set up. Previously the office had prosecuted repeat offenders, while most "dwi's" were handled in Municipal Court. However, SATOP expanded the office's involvement. Specifically, the prosecutor's office began looking at the KCPD computerized alert record that showed arrests as well as convictions, and eventually moved to a prosecution policy that centered

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<sup>22</sup> An Eastern Jackson County domestic violence unit was in place by the end of the study period.

on the number of arrests of an individual, increasing the number of cases prosecuted. Offenders arrested for the third time within ten years for alcohol related driving offenses are subject to prosecution in state court rather than municipal court, to be fined and sentenced for up to one year in the county jail or up to five years in the penitentiary, and are required to undergo screening and treatment for substance abuse..

SATOP handles all “dwi” cases, and vehicular cases involving drugs and alcohol, including vehicular homicides and assaults.. A single judge handles a docket devoted specifically to SATOP cases. SATOP is not a diversion program, since assessment and treatment follow conviction, with regular penalties applied. However, staff recently submitted a proposal to fund a long-term treatment and monitoring program on the order of the currently existing Drug Court.

DART - The Drug Abatement Response Team is actually more than “responsive:” it has become a proactive problem-solving unit in the prosecutor’s office. Created originally under Riederer with a grant from the State of Missouri and COMBAT funds, DART’s activities have expanded considerably since 1991. Handpicked by McCaskill as a “self-starter” who would be able to work with all the players in DART, organize a range of activities carried out by DART team, develop new strategies and solutions to problems, as well as communicate easily with community members, coordinator Mike Sanders has had his hands full. During 1996, the DART team attempted to: close methamphetamine labs in motels and private houses in Eastern Jackson County; close crack houses in Kansas City; develop and conduct training programs for landlords and property managers to educate them about how to identify methamphetamine production, screen tenants, and reduce opportunities for drug activity on their properties; initiate a geo-mapping program for creating city-wide maps showing “hot spots” that could be used to coordinate strategies in targeting these areas; devise a strategy for keeping prostitutes out of areas once they had been arrested; and investigate and assess all target properties in a troublesome inner-city section of Kansas City in which public disturbances had required a concentration of activities by KCPD. Using a combination of techniques to address drug-related activity, Sanders and his staff pursue code violations, file for temporary restraining orders as well as nuisance abatement and forfeiture actions, and secure the cooperation of utility companies (such as Southwestern Bell Telephone, and the Water Department) in providing services in a manner that will not facilitate drug activity.

Because Jackson County has experienced one of the highest rates of methamphetamine activity in the country, many of DART’s activities are directed toward this problem. Cooperation with federal prosecutors (specifically the U.S. Attorney’s Office in Kansas City), the Drug Enforcement Administration and the Environmental Protection Agency has been essential where toxic waste clean-ups pose serious hazards to health and safety, and local and state officials have not been adequately trained or equipped to carry out basic procedures. In addition, jurisdictional disputes—the courts have said the “finder/reporter” of toxic waste is responsible for clean-up—have created disincentives for local police to intervene and enter meth labs. Unfortunately collaboration among different levels of government and political actors developed slowly. As one JCPO staff member observed, “This is an area where the classic struggle between federal and local prosecution could emerge because of additional resources for the methamphetamine problem at the federal level.” With some frustration, McCaskill led the way early on in addressing the methamphetamine problem locally. (For example, she attempted to convene a statewide symposium to educate officials and the public about the problems posed by methamphetamine production and sale, and to encourage collaborative planning and policy-making in this area.) As the study progressed, it appeared that federal agencies would ultimately take over. Nevertheless, DART continued to be a valuable tool in reducing methamphetamine production. DART also provided

drug detection seminars for maintenance workers, code enforcers, trash collectors, fire department personnel, and any others who might come in contact with methamphetamine on the job.

Increasingly DART is moving into prevention as a means of addressing local drug problems. Apart from DART's massive campaigns to encourage members of the public to recognize and report centers of illegal drug activity, Sanders has developed a plan to give a DART "seal of approval" to houses in which landlords have anti-drug lease provisions, have attended DART training and maintained a good track record, and code inspectors have approved the property and environmental improvements have been made to reduce opportunities for illegal drug use or sales. A similar approach is planned for motels. Sanders looks ahead to redrafting landlord-tenant laws, and to working with neighborhood groups to encourage them to bring nuisance abatement suits.<sup>23</sup>

Neighborhood Prosecutors Program - Begun under Prosecutor Albert Riederer, the Neighborhood Prosecutor's Program has increased in size since McCaskill took office. Assistant prosecutors serving in the Criminal Drug Prosecution Division are usually assigned to work with a particular neighborhood; frequently, they maintain this link even after leaving the Drug Division. As neighborhood prosecutors, they are to work with KCPD officers assigned to the area, attend crime watch and neighborhood association meetings, and meet representatives of schools, churches and other community organizations. Some neighborhood prosecutors live in the neighborhood as well. They work with citizens and police to address specific local crime and safety issues—contacting DART, SNU (the Street Narcotics Unit of KCPD) if necessary—and act as conduits for citizen complaints to the police or city agencies. As of July 1996, fifteen prosecutors were assigned to twenty-four neighborhoods (two additional neighborhoods were "unassigned"), with several covering two or three at once. Not all these assignments involve a great deal of activity by the assistant prosecutor: in part this appears to depend upon the degree of mobilization among community residents and levels of crime in the neighborhood.

Two of the most actively organized areas are the 49/63 Neighborhood Coalition, to which Drug Court Administrator and assistant prosecutor Molly Merrigan is assigned, and "Old Northeast," covered by assistant prosecutor Joe Marquez. In both "49/63," and Old Northeast, the neighborhood prosecutors work closely with the Community Action Network (CAN) Center, two of six local centers established in Kansas City.<sup>24</sup> The CAN Center in Old Northeast focuses on the Lykins neighborhood, an 81 block area in which 6,000 residents live, and in which the median income is less than half that of the rest of the city. "49/63" is one of the oldest neighborhood organizations in the city: the area includes a broad range of socio-economic groups, including a local university; and the CAN Center is located in a local YWCA. Two community police officers, a community mobilizer (from Project Neighborhood, funded by the Robert Wood Johnson Foundation; whose job is to link drug-users in the area with treatment providers), a crime watch coordinator, and city housing and fire code inspectors are attached to each CAN center. The Street Narcotics Unit and Drug Enforcement Units of KCPD, and DART, also work with the centers. CAN Center participants meet weekly with representatives of local citizen groups to plan activities for reducing local drug activity, and to address other crime and safety problems. The assistant prosecutor prosecutes cases originating in the local area, or at minimum monitors their progress by acting as a liaison to those prosecutors who do, and reporting back to residents in the neighborhood.

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<sup>23</sup> Attorney Larry Hamel of Legal Aid has been working with private citizens and local groups to assist them in bringing nuisance abatement suits.

<sup>24</sup> By 1997 there were nine CAN centers operating. CAN centers were initiated through the efforts of Project Neighborhood and the JCPO.

Feedback from community residents in areas where neighborhood prosecutors are especially active has been very positive, yet the program is limited in scope. Prosecutors must now fit neighborhood responsibilities alongside their “primary” functions within the JCPO. The prosecutor’s office is investigating the possibility of expanding on the idea of neighborhood prosecution with a more comprehensive Community Prosecution Project that would assign individual prosecutors to zones and give them responsibility for coordinating all prosecution and law enforcement efforts, including prevention.

#### COMBAT Administration Capacities within the JCPO

In 1993, when the Special Advisory Panel to the Anti-Drug Committee of the Jackson County Legislature undertook an evaluation of progress up to that point,<sup>25</sup> McCaskill appeared before the panel to report on her activities to date both in her capacity as prosecutor,<sup>26</sup> and as chair of the Fiscal Commission.<sup>27</sup> At the time McCaskill had been in office less than a year: nevertheless, she set out several specific goals for the prosecutor’s office with respect to COMBAT, including:

1. To achieve the integration of the Anti-Drug Sales Tax Initiatives, both within the tax programs and with agencies and programs outside the tax (especially Juvenile Court and Federal agencies).
  - 1.a To aggressively prosecute drug traffickers in cooperation with Federal authorities.
  - 1.b To create a broad-based community coalition to provide continued resources, coordination and assistance to the initiatives.
2. To improve information gathered for purposes of evaluation and assessment of all initiatives.
3. To encourage multi-agency cooperation.
4. To implement an effective community awareness program.
5. To design and implement a comprehensive deferred prosecution program.
6. To implement the findings and recommendations of the Anti-Drug Sales Tax Special Advisory Committee. . . [which identified the need for better coordination county-wide among the various actors participating in COMBAT, and more involvement by the community]
7. To achieve through matching funds, at least 1 million dollars in grant money for the community.
8. To simplify and improve the bid process for both treatment and prevention contracts.

McCaskill has moved ahead in all these areas. In July 1995, having already worked on the public image of the program by giving it a new name—COMBAT—McCaskill adopted a new list of priorities that could be communicated easily to the community: to jail dangerous criminals and drug dealers; to treat nonviolent offenders who sincerely want to get off drugs; and to prevent children from experimenting with drugs. She would continue to be heavily involved in achieving each one. Jailing offenders, of course, would occur primarily through prosecution and policing efforts. But even after the changes in her own formal roles in COMBAT with the creation of the COMBAT Commission, McCaskill continues to facilitate treatment and prevention efforts through

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<sup>25</sup> See “Report to the Jackson County Legislature Anti-Drug Committee,” including Appendices A to O, presented by the Special Advisory Panel to the Anti-Drug Committee, December 27, 1993; and “COMBAT: Progress Report to the Jackson County Legislature,” Office of the Prosecuting Attorney, Jackson County, Missouri, 17 July 1995.

<sup>26</sup> See “Report to the Jackson County Legislature Anti-Drug Committee,” Appendix G.

<sup>27</sup> See “Report to the Jackson County Legislature Anti-Drug Committee,” Appendix K.

the prosecutor's office. The locus for many of these has continued to fall within the COMBAT Administration Division.

High on the list of priorities for COMBAT Administrator Nunnely and his staff in all their prevention and treatment-related activities is keeping the community aware of the resources available through COMBAT programs (a newsletter in various languages is published several times a year, and August is the annual COMBAT Drug Awareness Month, with daily activities), and facilitating the development of a problem-solving capacity within various sectors of the community, including drug prevention and treatment providers.

**Prevention:** Although formal oversight over prevention providers has passed into the hands of the COMBAT Commission, COMBAT Administration staff, such as Kristen Rosselli, Director of Planning and Development, continue to facilitate crime prevention and reduction initiatives. Each of the following took place in 1996, and is still underway.

Landlord Training Program - Working closely with DART Coordinator Mike Sanders, Rosselli has developed materials for and conducted several workshops in "active management" for landlords and property managers in Jackson County. Workshops may run up to a day or more in length, and are geared to meet the needs of specific participants. For example, where the workshop is attended by property owners from Eastern Jackson County, presentations will include information on identifying methamphetamine labs and activity.

Most programs cover: identifying different types of drug activity; working with police and other criminal justice agents to facilitate investigation and reduction of such activity; current and pending anti-drug landlord legislation (concerning eviction of tenants); availability of civil nuisance (legal) actions and forfeiture remedies; keeping property up to habitable standards and minimizing opportunities for crime on the premises; screening tenant-applicants; hiring employees; rental agreements; and crisis resolution. Representatives of the JCPO, codes inspectors, and police agencies from throughout the county regularly participate.

Paseo Corridor Drug- and Crime-Free Community Partnership - Together with representatives of Mayor Emanuel Cleaver, the prosecutor's office (Rosselli) began meeting in July 1996 with business owners and employees, residents and managers of several housing developments located in KCPD's Central Patrol district (Charlie Parker Square, Parkview Homes I and II, T.B. Watkins, Wayne Miner, Guinotte Manor, Chouteau Courts, and Riverview), a fifteen square block area along Paseo Parkway, that were experiencing increasing crime, violence, and quality of life issues. Representatives from KCPD, the Department of Housing and Urban Development Inspector General's Office, U.S. Attorney's Office, Legal Aid, City Prosecutor's Office, and City Attorney's Office joined the effort. The initial project goals were to open up communications and develop better cooperation among participants so that resources and assistance could be channeled into the areas from the City and County. However, a more formal partnership agreement was eventually developed that set out a three-phase strategy by which the group would work toward: achieving safety, security and stability in the area; enriching lifestyles of families and individuals (through education, development and training, and job placement); and empowering the community (by developing local leadership).<sup>28</sup>

Law Enforcement Collaboration - Both DART and Rosselli have also worked closely with a new initiative that brings KCPD officers from the various patrol divisions, the Presiding Judge of

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<sup>28</sup> See Postscript and Appendix C for additional information on the Paseo Corridor Partnership.

the Municipal Court, the City Attorney and City Prosecutor, several key prosecutors from the JCPO (including the Deputy Prosecutor) together to concentrate on a number of problem areas in the city: open air drug markets; hourly motels with prostitution and drug activity; crowd control outside convenience stores, restaurants and bars with liquor licenses after 1 a.m.; drug and gang activity occurring in public housing and affordable housing communities (Section 8); and improving support from and communications with the community. At regular meetings the working group “brainstorms,” plans strategies for addressing each problem (from prevention through enforcement and prosecution activities), and coordinates activities.

***Treatment and Diversion:*** Drug Court and Day Report Center - The Drug Court (within the Criminal Drug Prosecution Division) continues to grow: in 1996 a full-time Drug Court Commissioner (the only one in the state) was appointed by the Circuit Court to replace the part-time judge who had been assigned to the Drug Court. Approximately 650 active cases were before the court: the new commissioner Marco Roldan, a former police officer and defense attorney, estimates that the number will soon reach 1000.

The Judge Mason (Day Report) Center opened in June 1996 as a direct outgrowth of the Drug Court: it serves as a general assessment and intake center for Drug Court, with full employment counsel, health screening, mental health screening and follow-up evaluation, and substance abuse assessment all available. Yet the Center also fills a need that COMBAT Administration staff saw was not being met by the treatment options available as part of Drug Court Diversion. For those individuals whose substance abuse problems are coupled with a lack of internalized structure and skills that would enable them to participate successfully in outpatient programs (so that they could keep appointments, go through counseling, learn job skills), the Day Report Center offers intensive all-day (or night time) programs to build these skills. The operations of the Center have raised challenging issues for the prosecutors and treatment providers who work with individuals accepted into the program. Prosecutors are grappling with how to treat confidential information with which they come in contact—such as about previous crimes committed by clients; treatment providers may resist tracking and intensive oversight of their activities with clients because it opens them up to evaluation, and also raises confidentiality concerns. Current Drug Court Administrator, Assistant Prosecutor Molly Merrigan, is a trained social worker with previous experience in the treatment community. Although Merrigan can see both sides of the conflict, it has not been easily resolved in the short term.

***Collection of Data on Current Operations:*** Through a newly created research committee, the COMBAT Administration is gathering data from all existing COMBAT initiatives in order to develop a database that may be used as a resource for future operations. For example, Administrator James Nunnally hopes to use these data to determine how the size and number of specific programs should be increased.

***Strategic Planning:*** COMBAT Administration staff have responsibility for leading an ongoing strategic planning process for the entire operation of the COMBAT program, and providing a yearly progress report to the Jackson County Legislature that also includes the plan for the next year’s operations. The Strategic Planning Team includes representatives of all the major players in COMBAT—KCPD, drug prosecutors from JCPO, Eastern Jackson County Drug Task Force, the Family Court, the Circuit Court, corrections, the Drug Court and Judge Mason Center, DART, others from COMBAT Administration in the JCPO, and McCaskill herself, who remains the

designated (by the Jackson County Legislature) leader of COMBAT.<sup>29</sup> The Strategic Plan sets out specific strategies and tactics (along with specific performance measures) for each agency that receives COMBAT funds. But the planning process itself, which takes place through ongoing monthly meetings of the Planning Team throughout the year, is perhaps more significant than the document produced: it is the process that provides COMBAT with a coordinated and comprehensive strategy for continued operations, and with a rationalized plan for where it will move in the future.

## THE PROSECUTOR IN THE COMMUNITY

### *The Prosecutor as Community Leader*

At an executive staff meeting in mid-1996, discussion centered around a request from Project Neighborhood for information on drug houses in local neighborhoods: specifically, citizens wanted to know the addresses of drug houses that had been targeted by DART, and actions taken toward eviction or shutting down the houses on code violations. Although not all executive staff agreed with her, McCaskill said “yes:” Project Neighborhood’s goal—and that of local residents in the neighborhoods—was to keep children safe and away from dangerous places.<sup>30</sup> In this instance, as in others, McCaskill asked herself how the actions of her office, and the prosecutor, appeared to the public. She is concerned not only with individual events or issues, but in a broader sense with constantly communicating to the citizens of the county the goals that she has set and activities that she is carrying out as their elected prosecutor. Retooling the public image of COMBAT is but one example; others are provided below.

McCaskill’s sense of accountability to the public extends beyond providing information, however. She has also created opportunities for more contact between staff in the prosecutor’s office and “good citizens”—such as through outreach activities aimed at prevention and crime reduction in specific neighborhoods carried out by neighborhood prosecutors, DART, and COMBAT Administration staff, and convening a task force to address domestic violence issues. Just as McCaskill works to stay in touch with staff at every level within the prosecutor’s office, so too she reaches out as prosecutor to private citizens in the community. In the same vein, McCaskill constantly builds bridges to other elected officials and community leaders. As she defines her priorities—largely as “problems”—few can be achieved without collaboration, especially with other criminal justice agencies (policing agencies, the courts, corrections, the U.S. Attorney, the City Attorney and City Prosecutor) and the mayor in Kansas City. Although her leadership of COMBAT operations for the county provides McCaskill with power and moral authority in these relationships, her own style of accommodation, compromise, and expression of public support for those with whom she works is equally important.

### *The Media*

When a Democratic campaign-related press conference in Kansas City on assault weapons and gun control by Governor Mel Carnahan and McCaskill was pre-empted last year by the shooting of a

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<sup>29</sup> COMBAT: 1996 Progress Report of the Anti-Drug Sales Tax. Presented to the Jackson County Legislature, September 1996.

<sup>30</sup> The decision was affirmative so long as no investigation was in progress, and no citizens would be endangered.

police officer, McCaskill advised Carnahan to cancel his appearance and instead went to the scene of the crime herself, concerned that there be no appearance of politically exploiting a police shooting. Meeting with media and members of the public, she spoke of the tragedy of a police officer being injured, and appealed directly to the shooter to turn himself in. The governor was relieved; and the public and police reassured by McCaskill's handling of the situation. The next day, McCaskill received a call: the shooter would indeed surrender—but only to her. Before long he presented himself at the prosecutor's office.

Not every crisis, and not every event with the press, has had such positive results for McCaskill. Yet virtually all informants describe her as unusually skillful at snatching some measure of victory from the most difficult of situations, even in the full glare of the media. On those occasions when she meets the press directly, McCaskill appears at ease, presenting an accommodating, open demeanor. But behind the “easy” demeanor, McCaskill works at her relationship with the media no less than she does with KCPD and other elected officials. Her basic approach is governed by two principles. First, respond positively to requests for information: say yes when information is sought, and give *more* information than is asked for, if at all possible. Second, be proactive: provide information regularly, a lot of it, even when no specific request has been made. In effect, the press becomes dependent upon the steady flow of information emanating from the prosecutor's office. With this strategy McCaskill has built up rapport between the JCPO and the press that gives the office ‘chips’ to play when they are needed later—not only at difficult times, but when the office simply wants to get a particular message out.

Two individuals in the office are charged specifically with dealing with the media—first, Rosselli, in the COMBAT Administration section, whose work is described above; and second, Glenn Cambell, journalist and public affairs administrator who has joined the executive staff. Campbell handles the bulk of routine queries from the media; in addition, he prepares daily and weekly communications that are released to the media on a routine basis. Updates (based on the open court record, including the charging and probable cause statements) on all homicides, and other pending cases where questions come in, are faxed to the local media. Pleadings, sentencings, and convictions are broadcast, especially for high profile cases. On a weekly basis, Campbell scans docket information for trials of interest, lists these along with sentencings on prior charges, and broadcasts the list. Where television stations need advance information in order to submit a request to televise a courtroom proceeding (required at least five days in advance, under Missouri law), he attempts to provide it in timely fashion. When a sensitive case is coming up—such as when a sheriff's deputy was charged with sexually molesting a child—Campbell comes to McCaskill and executive staff to talk it through, and decide how it will be handled. He is constantly monitoring what is going on, how it appears to the public, and what to give the media. And the media have come to depend on him, and seek him out, even when McCaskill is not available.

McCaskill describes this “mix” of a marketing professional and journalist as key to how well the office does in creating a perception—and “the perception is reality”—among people in the community of what the office is doing. “We spend a lot of time thinking...prosecutors talk to Glenn when we know what happened isn't good, when we screwed up on this end. The point is, how do we now manage this message to put the best face on it to the public? This process is a key part of the management style.” McCaskill recalls that she had wanted to take her executive staff on a retreat the previous year to Big Cedar Lodge. They said “no:” it wouldn't look good to the public, it was an election year, and it was the public's business and money involved. According to McCaskill, her staff had absorbed her message concerning the office's responsibility to the

public, but also had learned from having a journalist around. At the same time, McCaskill says, Rosselli does “earned media,” generating stories “such as a great article on landlord-tenant training,” working with radio stations or the editorial boards of newspapers, being proactive so that misinterpretations don’t grow up that have to be corrected later.

JCPO staff, including those in COMBAT, are convinced that this approach to dealing with the media and the public have paid off: COMBAT Administrator Jim Nunnally comments that “when they [the media] see so much proactive stuff going on, then when you do make a mistake in the prosecutorial side, they’re not as apt to be so critical because they know that there is a balance.” Deputy Administrator Pat Glorioso believes that “when you continuously talk to the press and have a lot of presence...it demystifies the criminal justice system...then people understand the ups and downs.”

#### *Working with the Police: KCPD and other Jurisdictions*

The county prosecutor’s office by necessity works with policing agencies throughout the county—including not only KCPD, the Sheriff’s Department, and the State Highway and Water Patrol, but numerous others representing smaller towns and municipalities in Eastern Jackson County.<sup>31</sup> Through her control of three million dollars in COMBAT funds to be disbursed in equal amounts to the KCPD and the Eastern Jackson County Drug Enforcement Task Force (comprised of police departments from thirteen jurisdictions to coordinate narcotics investigations), the county prosecutor maintains a degree of leverage by which she can influence policing agencies. But McCaskill has also worked hard to cultivate positive and productive working relationships not only with KCPD, but with the other policing agencies.

#### *The Sixteenth Circuit Courts*

Under the Nonpartisan Plan that operates in Missouri, judges in Jackson County are selected by the governor from a panel determined by the state judicial commission. Circuit court, associate circuit, and municipal judges are part of a single structure. A presiding judge, elected for a two year term, has general administrative authority over the circuit court. The Honorable John R. O’Malley is currently presiding judge of the Sixteenth Circuit. Judges within the circuit generally rotate at six month intervals, moving among civil, criminal, and domestic courts.

Perhaps the overriding factor influencing criminal court operations in Jackson County is the fact that the county is under a federal court order to expand its jail facilities or reduce the number of those held. Although expansion and construction plans are underway, limitations on the number of beds available and rising numbers of inmates (especially as a result of the seven “deadly sins” law mandating that 85 percent of time must be served for serious felonies) caused Judge O’Malley to create a release docket held on Thursday afternoons at the county jail in Kansas City. Acutely

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<sup>31</sup> The political structure of Kansas City and of Jackson County is complicated. Kansas City overlaps four counties; while Jackson County alone includes numerous policing jurisdictions and agencies: KCPD, Blue Springs, Independence, Lee’s Summit, Grandview, Sugar Creek, Raytown, Grain Valley, Missouri State Highway patrol, Missouri State Water Patrol, Sheriff’s Office, Lake Tapawingo, Lone Jack, Buckner, Greenwood, Lake Lotawana, Levasy, Missouri Conservation Department, Railroad, and the Jackson County Drug Task Force.. Because in a study of this size it would have been impossible to include all these agencies, we decided to limit the study to the major urban police department in Jackson County with which the prosecutor’s office deals--KCPD.

aware of the overcrowding situation, circuit court judges feel particularly constrained at not being able to use “shock time” sentences; and in Independence, judges are bothered because defendants whose offenses are deemed worthy of jail time in the Eastern Jackson County setting, many of whom are repeat offenders, are often the first to be set free. Prosecutors share these sentiments.

Given this situation, McCaskill as a tough-on-crime prosecutor might expect to encounter problems with the judiciary. For the most part, judges find her administration aggressive, and at times see plea standards as unrealistic. Nevertheless, they generally respect her “realistic, responsive and quick handling of domestic violence cases,” her “strong support of victims,” and generally approve of the Drug Court and diversion programs.

#### The Family Court

As county prosecutor, McCaskill has no authority over the prosecution of juveniles: this responsibility lies with the Juvenile Officer of the Family Court, who oversees the prosecution of abuse and neglect matters, and status and delinquency (criminal) offenses, under the supervision of the Administrative Judge of the Family Court and Court Administrator for the 16<sup>th</sup> Judicial Circuit. Family Court operations also include extensive prevention and treatment services for juveniles and families, almost a “microcosm” of COMBAT programs. Nevertheless, McCaskill has made juvenile safety, including preventing juveniles from trying and using drugs, one of her highest priorities. She has brought COMBAT Administration capacities in prevention and treatment to bear in developing new programs, and using the authority of her office to prosecute criminal abuse and neglect (of children) cases, she has worked closely with Family Court Director David Kierst to better coordinate child abuse and neglect actions between the JCPO and the Family Court.

During 1996 McCaskill began to pursue an agenda involving reform of the child abuse system in the county. Often the Division of Family Services and the Family Court shared a mission that included extensive case management, counseling to preserve the family, and rehabilitation—a mission that would collide with efforts by the prosecutor’s office to prosecute a parent for criminal abuse just when the parent was deemed “rehabilitated.” McCaskill proposed to identify a prosecutor in the Sex Crimes Unit of the JCPO to cross-prosecute with a Family Court attorney on those cases being worked on by both agencies: the Family Court attorney would then “second chair” the criminal proceeding, while the JCPO attorney would “second chair” the Family Court proceeding. As a first step, the office applied for and received a federal grant to add a case manager position to support the assistant prosecutor from the Sex Crimes Unit in these cases.

The COMBAT Administration is also contributing to the development of more effective prevention programs for juveniles by collecting information from ongoing drug testing of juveniles. These data, many reflecting patterns of drug use, will be made available to prevention providers in the county as they create new programs and adjust those already being implemented through COMBAT funding.

A wide-ranging program just getting off the ground late in 1996, the Kansas City In-School Truancy Project represents a collaborative effort among the Jackson County Prosecutor’s Office, the Family Court and Division of Family Services, the Mayor’s Office of Kansas City, the Kansas City, Missouri, School District, the Mayor’s Urban Symposium and Tournament, and the Missouri Department of Public Safety, intended to decrease youth involvement in crime and violence by reducing truancy among middle and high school students. Available statistics showed that absentee rates in 1995-96 for middle school students were running at 14.9 percent, and for high school students, 24.4 percent, and only 63 percent of students were graduating from high school. Data

collected by COMBAT Administrator Nunnely on jailed offenders also suggested seven “early warning signs” in the lives of offenders that could serve as points for intervention. The Truancy Project was developed to identify students at risk, and intervene early and effectively, by providing coordinated services to the students and their families. Three pilot middle schools and three high schools are served in the initial project period: at each, parents are notified by an attendance clerk when students have unexplained absences of one to two days; when unexplained absences of two to ten days occur, parents are informed that they must either contact the parent school liaison, or the matter will be referred to the prosecutor’s office for action; and when unexplained absences reach eleven or more days, prosecution of parents may commence for failure to ensure attendance of the juveniles, under the state’s compulsory attendance law. Prosecution is viewed as a last resort: the goal of the project is to encourage parents to take responsibility for their children. All these actions are fully supported by needs assessments, referrals for counseling and other services made available to parents and children, and the development of an comprehensive treatment plan for each child at risk.

#### Municipal Courts, City Attorney and City Prosecutors

The Municipal Courts have jurisdiction over municipal traffic and ordinance violations: in fact, they see far greater numbers of offenders, and at earlier stages, than do the Circuit Courts. Judges and prosecutors alike report that many cases filed as ordinance violations are actually more serious misdemeanors and D felonies—and they may be treated more harshly in Municipal Court, with some going on to Associate Circuit Court judges as de novo appeals.

McCaskill recognizes the importance of the cases handled by the Municipal Courts and of working with Municipal Court judges and city prosecutors (who are part of the City Attorney’s Office): DART cases are frequently filed and heard in the Municipal Housing Court session; most domestic violence cases end up on the docket of the special Municipal Court created to hear them; city prosecutors must be willing to dismiss pending charges against offenders who are being admitted to Drug Court Diversion programs. Municipal Court judges have heard many of the cases arising in connection with the Paseo Corridor project and other similar initiatives—it was only when the current presiding judge, Judge John Williams, was asked to attend meetings and was informed about the goals of the project that he was able to bring the cooperation of the court to helping the project succeed. (Since then, Judge Williams has been invited to participate in other planning initiatives involving the prosecutor’s office.)

Since policies set by the City Attorney and followed by the City Prosecutor reflect the consensus of the city council and the mayor, McCaskill’s strong relationship with the mayor has been an asset in working with city prosecutors in areas such as domestic violence, where their cooperation has been necessary.

#### *Working with the Mayor’s Office*

Mayor Emanuel Cleaver has been one of McCaskill’s closest allies in the community in terms of shared interests and priorities. The Truancy Project, the Domestic Violence Task Force, the designation of Kansas City as an “All America City” in 1994, and as a federal Enhanced Enterprise Community in 1994, and the ongoing Paseo Corridor project are all examples of their collaboration. By working together they have brought substantial federal funds into the community.

## WORKING WITH KCPD: A NEW PROSECUTOR - POLICE RELATIONSHIP

McCaskill inherited a troubled relationship with the KCPD. From the point of view of many in the department, Riederer's attempt to professionalize the prosecutor's office by tightening the standards for case acceptance was viewed as "accepting only cases he could win." Moreover, from the police point of view, Riederer was aloof – never involving them in case decision-making or communicating with the police about ways in which they could strengthen their cases. One police administrator credits McCaskill for "awakening the prosecutor's office from a deep sleep." Moreover, a "line of blame" developed between prosecutors and police: police would prepare their cases as best they thought they could, take them to a line, and slough them off to prosecutors; prosecutors would go to the line, take the cases, and independently make decisions about them. Police would wash their hands of responsibility once they handed over cases, and point fingers at the prosecutors if the case wasn't prosecuted or somehow went awry. Likewise, prosecutors would point fingers at the police, accusing them of poor investigations and shoddy case preparation. By virtually unanimous police opinion, this "line of blame" has been surmounted by McCaskill.

Aside from programmatic developments, McCaskill gets credit from police for "being a great communicator." Phrases like "Claire takes every opportunity to praise the police department," "She sends letters of praise," "If there's a problem, all you have to do is pick up the phone," "Regardless of politics, she speaks out and tells the truth," and, "Claire tells it in ways that are acceptable both to the community and cops" are typical. Yet, she is not seen as pandering: "Claire doesn't put up with a lot of crud." "If a cop shoots a citizen, she comes out. If a citizen shoots a cop, she comes out."

As important to most police, especially detectives, is that organizational boundaries have been broken down by a series of administrative moves. In the most general sense, McCaskill has been credited for involving police – administrators, investigators, and line officers – in virtually all of her crucial activities. Specifically, she is credited with overcoming the "line of blame" by assigning prosecutors to work in the police department, by accepting police to work in the prosecutor's office (mutual liaison), by training police, by having a "second chair" for KCPD detectives at all hearings, and by focusing on solving problems, especially procedural problems that were irritants for police. An example: State law requires two city convictions for prostitution before state prosecution is allowed. City prosecutors, however, do not work prostitution. McCaskill intervenes with police, city prosecutors and her office, and the matter is resolved in a manner with which everyone is comfortable. She manages such problems in a way that "even crusty old-line detectives have been won over."<sup>32</sup>

In sum, McCaskill appears to have skillfully improved a crucial area for police: case processing. She has done this by establishing good communications with police, including back-channeling ("You can always get Claire on the phone"); back-channeling criticism of police rather than publicly criticizing them; establishing strong liaison positions; training, and by taking a problem-solving approach to deal with procedural "irritants."

Despite its preeminence as an innovative police department during the early and mid-1970s, the late 1970s and 1980s were troubled years for the KCPD. During 1977, police relations with the

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<sup>32</sup> McCaskill herself says she has tried to give police a clear line as to when the JCPO is prepared to bring charges so they know when to go city or state. But if there is a police problem, she'll listen—change filing guidelines, or whatever.

African American community worsened as a result of a series of gruesome murders of young black women that went unsolved. In 1978, the chief was dismissed by Kansas City's Board of Police Commissioners after spending just thirteen months on the job. The grounds for the firing included charges that he had been insensitive to the needs of the African American community. Although this crisis was managed by subsequent chiefs, the relationship between police and the black community remained unsettled during most of the decade. It flared again in 1990 when three separate incidents of alleged police brutality occurred within months of each other: two ministers alleged that they had been beaten, and a man armed with a barbecue fork was shot nineteen times. The department moved to dismiss one officer involved in the beatings, gave another 120 day suspension, and took no action against the officers involved in the shooting.

In June of 1990, Steven Bishop was appointed the KCPD's Chief of Police and remained in office until December of 1995. Floyd Barch was appointed Chief in 1996. Bishop was widely seen as an innovative chief, especially in his attempts to improve the relations between police and the minority community and to find non-deadly means of force. In 1994, Bishop announced that the KCPD would adopt community policing.

Not unlike other departments, the KCPD had been refocusing its orientation away from traditional policing during the late 1980s and early 1990s. In a survey conducted by the Police Foundation in 1993, for example, the department noted shifts in its strategy that were congruent with the incipient move towards community policing. It reported that citizens and police were working together to identify and resolve community problems; that surveys were used to determine community needs and priorities; that interagency approaches were used to identify problems and resolutions; that they were working with corrections departments; alternate dispute resolution approaches were being used; that patrol officers were making door-to-door contacts with citizens; that foot patrols were being used; that some officers were involved in community organization efforts; that alternate responses to 911 calls were being developed; that investigations were being decentralized; and, that geographically based crime analysis was being made available to officers. Arguably, such reports were as much an indicator of what *should* have been happening as what was *actually* happening; nonetheless, responding as it did, the KCPD gave evidence of a normative, if not actual, shift in its strategy.

For KCPD informants, the inchoate shift to community policing began in 1991, when six officers were assigned to bicycle patrol in three high profile problem areas ("high profile problem areas" included "squeaky wheels" – that is, neighborhoods that were making a lot of noise about their problems and police inattention to them). KCPD staff are in virtual unanimous agreement that the effort worked well, and that the officers were wonderful resources in the targeted neighborhoods. One officer, Jennifer Deegan, received the Police Executive Research Forum's prestigious Herman Goldstein award for her work in dealing with prostitution.

As successful as these modest efforts were, however, other officers resented the attention that the six officers received: "we" do all the work (respond to calls for service), but "they" (bicycle officers), receive all the credit. Consequently, when Captain Gregory Mills took over Central Patrol District – by most accounts the model district for the KCPD's community approach – he decided that it was necessary to retool its efforts. Mills developed and expanded Community Action Network Centers (CANS), and Community Action Teams (CATS). CATs are mobile patrol teams comprised of 32 officers, who usually operate on bicycle, are trained in problem-solving, and are assigned to one of Kansas City's five patrol districts. Within its district, a team is

free to move into virtually any area or neighborhood to solve problems. Once the problems are resolved, the team can move elsewhere to deal with other problems.

To deal with the perception that bicycle officers did not carry their load yet got all the credit, Mills developed the Sector Project Program: every month all officers were to define a problem and formulate a response. In other words, sector officers were to get into the community policing loop as well. Mills viewed his responsibility as providing sector officers with the time and resources to do problem-solving. With the exception of undercover drug activities, officers are allowed considerable discretion in selecting problems and developing responses. Officers, in consultation with sergeants, for example, can propose overtime work, plainclothes assignments, and shift adjustments in response to problems. Moreover, according to officers in the district, Mills has put officers “at the table” in dealings with community groups and other agencies, with the authority to commit the KCPD to problem solutions.

In addition to CANs, CATs, and the Sector Project effort, 25 additional officers funded under the federal COPS program, operate city-wide using whatever mode of transportation best suited to their problem identification and solving activities.

Recapping, the KCPD is shifting to community policing, most aggressively in the Central Patrol District, but in other districts as well. The keystones to the shift, to date, have been CANs and CATs. Structural shifts in the KCPD in support of CANs and CATs have been modest, as have attempts to realign beats with neighborhoods; however, the department has had to invest enormously in restructuring its relationship to the African American community as a result of previous problems. From the standpoint of Central District administrators and officers, the county attorney has played a central role in the enhancement of community, or problem-oriented, policing in Kansas City (at least in the Central Patrol District). First, they describe her as having “political horsepower:” that is, she can call public attention to problems, mobilize resources, and keep attention focused on them. Second, McCaskill provides both organizational ability (can get things done through her staff) and credibility (she can speak with authority). Third, she has improved case processing in ways that have facilitated many law enforcement solutions to problems. Fourth, in problem areas such as the Paseo Corridor she has set policies that police believe essential to problem-solving through case processing, e.g., not accepting plea bargaining and setting high bond levels for repeat and violent offenders. Finally, she has established problem-solving teams that include prosecutors, and from the point of view of the KCPD, these teams have been very powerful and effective.

The police continue to be among McCaskill’s strongest supporters. Her overall strategy has had two broad benefits for them. First, her efforts to improve the working relationship between prosecutors and police, as well as to overcome procedural obstacles to police functioning, have strengthened the ability of police to do a basic task – prepare cases for court. In addition, her involvement at a neighborhood level with problems has provided authority, skill, and credibility to police actions – perhaps helping to defuse the problematic relationship between segments of the community and the police. From “crusty” old detectives to administrators to line patrol officers, McCaskill and her community strategy are seen as enormous assets to the KCPD. It is hard to find a McCaskill detractor in the KCPD.

## CONCLUDING THE STORY

In November 1996 McCaskill faced Republican John Osgood, a former U.S. attorney in Oklahoma and Kansas City, for re-election. Although McCaskill did engage in fundraising, in the end neither candidate spent a substantial amount, nor campaigned hard.<sup>33</sup> Osgood disagreed with little of substance in McCaskill's running of the prosecutor's office; he had virtually no chance of winning, and admitted openly that he had run largely to provide a Republican alternative to Democrat McCaskill. His major campaign stances consisted of promises to prosecute public corruption more aggressively; to analyze how the anti-drug tax was spent and target more efforts to stop children from using drugs; and to work more closely with federal law enforcement and federal prosecutors. McCaskill emphasized her record, saying that she would continue to prosecute gun offenses and repeat violent offenders aggressively, and her plans for more aggressive intervention by the prosecutor's office on behalf of abused and neglected children. With minimal campaigning, she won by a large margin--171,711 votes to 71,598. As people say, Claire McCaskill never stops running for re-election.

## POSTSCRIPT: 1997-98 UPDATE

The JCPO continued to move toward greater involvement in community-oriented initiatives and problem solving during 1997-98. Two examples follow here:

### *The Paseo Corridor Drug- and Crime-Free Community Partnership.*

In June of 1998, the U.S. Department of Housing and Urban Development honored COMBAT with a Best Practice award in the category of neighborhood transformation for the Paseo Corridor Project. The Paseo Corridor, with its concentration of assisted housing, and extensive drug and criminal activity, had come a long way. COMBAT Director of Planning Kristen Rosselli's organizing and coordination efforts (also participating were the head of the DART team from the Office, and a neighborhood prosecutor) were matched by six committees established to carry out particular functions: partnership agreement/monitoring, lease/rules and regulations, law enforcement, faith initiative, resident empowerment, and economic development. Participants signed an agreement to formalize their mission—to improve the quality of life for residents, business owners, and employees in the Corridor—and to implement a three-phase strategy. Phase 1 would focus on attaining safety, security and economic stability; Phase 2 on lifestyle enrichment and self-sufficiency; and Phase 3 on community development through economic empowerment.

After one year, significant improvement was noticeable. Crime rates in the Corridor dropped by 50 percent, residents reported feeling safer, and a uniform lease agreement, rules, and regulations were adopted in all multifamily properties. A nearby Weed and Seed area was expanded to include the Corridor. More than twenty-five abandoned buildings that had become foci for drug activity were razed. A neighborhood liquor store moved toward becoming a grocery market. KCPD were denying signature bonds for incidents in the area, and the courts agreed to tougher conditions of

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<sup>33</sup> Joe Lambe, "Incumbent remains county prosecutor." *The Kansas City Star*, Nov. 6, 1996, p. C-3; Michelle Strausbaugh, "McCaskill, Osgood run civil campaign," *Lee's Summit Journal*, Lee's Summit, Mo., Nov. 1, 1996; Joe Lambe, "McCaskill's opponent admits he faces an 'uphill fight'," *The Kansas City Star*, Oct. 31, 1996, City Election Guide, p. 6; "McCaskill and Anderson," *The Kansas City Star*, editorial, p. C-6.

probation for prostitution offenses. Property owners and managers worked toward changing the Missouri Landlord/Tenant law to expedite evictions for drug-related crimes in rental housing, and a training program was set up to teach landlords and property owners how to reduce drug and criminal activity in rental housing. But more than anything else, according to Rosselli, “lines have blurred between public housing residents, those living in privately-owned Section 8 housing, and other inhabitants of this area. Residents have begun looking at each other as neighbors and community partners.”

*The Neighborhood Justice Prosecutor Program*

Based upon the Indianapolis street level advocacy program, but adapted for the JCPO, the Neighborhood Justice (NJ) Prosecutor Program began in Kansas City in August of 1997. It is supported from normal operating funds, supplemented by a Local Law Enforcement Block Grant awarded to enable prosecutors and police to carry out geographic mapping of crime spots. To start the program, McCaskill created a few new positions in the office, while taking some away from trial teams. She recruited “top people” in the office for the NJ positions—a raise was offered for those selected; candidates had to be able to “think outside the box,” be creative and aggressive, have good people skills, be open to trying new strategies, and be experienced trial attorneys.

To head the program, McCaskill turned to Bronwyn Werner, previously chief of the sex crimes unit. Four additional prosecutors are assigned—one each—to geographic areas coinciding with patrol divisions in the Kansas City Police Department (Metro Patrol, Central Patrol, East Patrol, and South Patrol). The prosecutor assigned to South Patrol also covers Eastern Jackson County. Neighborhood Justice Prosecutors develop anti-crime strategies appropriate to their areas. And like Indianapolis’s street level advocates, NJ prosecutors concentrate on work with police, city agencies, school officials, and private groups—neighborhood organizations, business and church leaders. However, unlike their Indianapolis counterparts, NJ prosecutors do not screen or file cases. They are also asked to focus more on crime problems and patterns that have an inter-neighborhood impact: for example, in 1998 NJ prosecutors were targeting liquor establishments from which a significant amount of crime originated, applying a “responsible business strategies” approach used elsewhere in the JCPO, and making use of a state statute under which the prosecutor is permitted to file a state liquor control action to take away the liquor license of an irresponsible business. NJ prosecutors were also working on particular cases in which a community-wide impact had been felt—a burglar who victimized a large area, a rash of rapes.<sup>34</sup>

Resources from throughout the JCPO, and some associated with the Family Court, are available to the NJ program. For example, a Child Protection Liaison Attorney, whose job it is to devise strategies to reduce child abuse and neglect, has begun working in East Patrol Division, where the highest number of hot line calls originate. The Truancy Coordinator works with NJ prosecutors to set up truancy projects in schools in their divisions. Similarly, the DART team is cooperating with

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<sup>34</sup>Often these are high profile cases that start when police alert prosecutors to them early on during investigations; prosecutors work closely with the police, and then take the cases to trial (including pleadings). They often emanate from the recently enacted “red file system” that the Prosecutor’s Office helped the police to set up: police identify four to ten individuals or businesses that they believe are contributing to the demise of a neighborhood, based upon criteria set out for selecting cases. A notation is inserted into the computer system to indicate that these are red file cases, for which a report must be written whenever police have any contact with the individual. When dispatchers see these notations, they alert police about them.

NJ prosecutors in shutting down drug houses, working with landlords, and addressing environmental crimes in their respective areas. Kristen Rosselli from COMBAT is available to assist with meetings that bring together all the players—federal, state and local law enforcement agencies, probation and parole, the City Attorney and City Prosecutors, the City Court Judge—where collaboration would be useful. In an unforeseen development, through the NJ program as a focal point, these specialists are themselves beginning to collaborate: the Child Protection Liaison Attorney is developing protocols with the Truancy Coordinator for exploring the relationship between truancy and a child being abused or neglected; she is also working with DART to devise a protocol for use with children found in methamphetamine houses, who may be subjects of neglect or sexual abuse.

*McCaskill Leaves the JCPO*

Finally, in 1998, Claire McCaskill ran for State Auditor, and won—she would be leaving the prosecutor's office midway through her term. Internal candidates from the office (of whom staff assumed one would be appointed to replace McCaskill) were expected to continue many current policies. And COMBAT should also provide continuity.

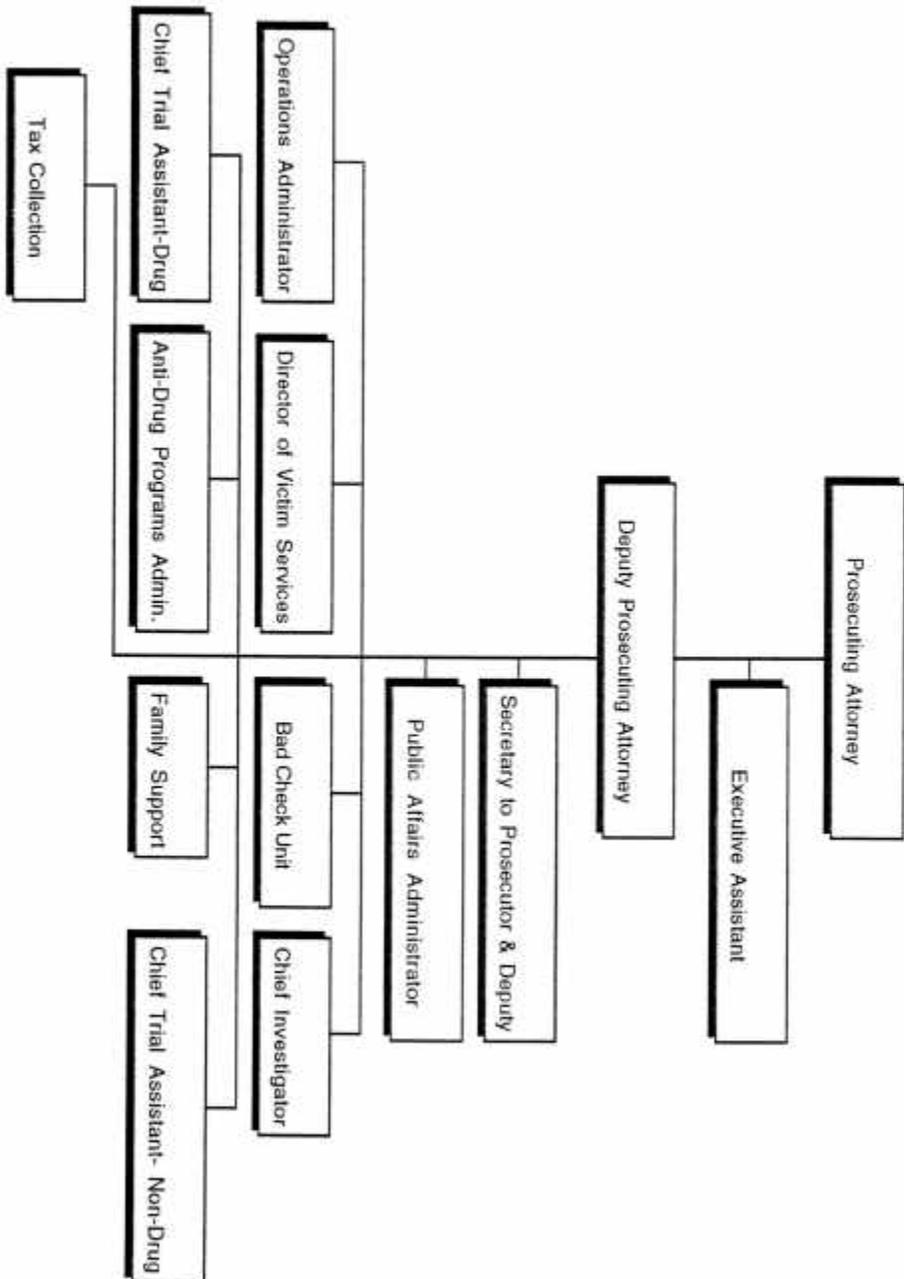
When asked whether they were concerned about a change in direction, or demise of programs, that McCaskill had set in place, several prosecutors responded that things had moved too far for a retreat. One prosecutors working with the new NJ Program was optimistic that it would continue:

...my feeling is that it is becoming such an ingrained part of the police department and our office, and we've had a lot of successes, and it's been a very positive experience...I can't imagine whoever comes into Claire's position is not going to maintain it. I really think there is going to be a lot of public pressure because the neighborhoods love it, and the police department loves it. There is going to be overwhelming pressure on Claire's successor to maintain this same level of activity.

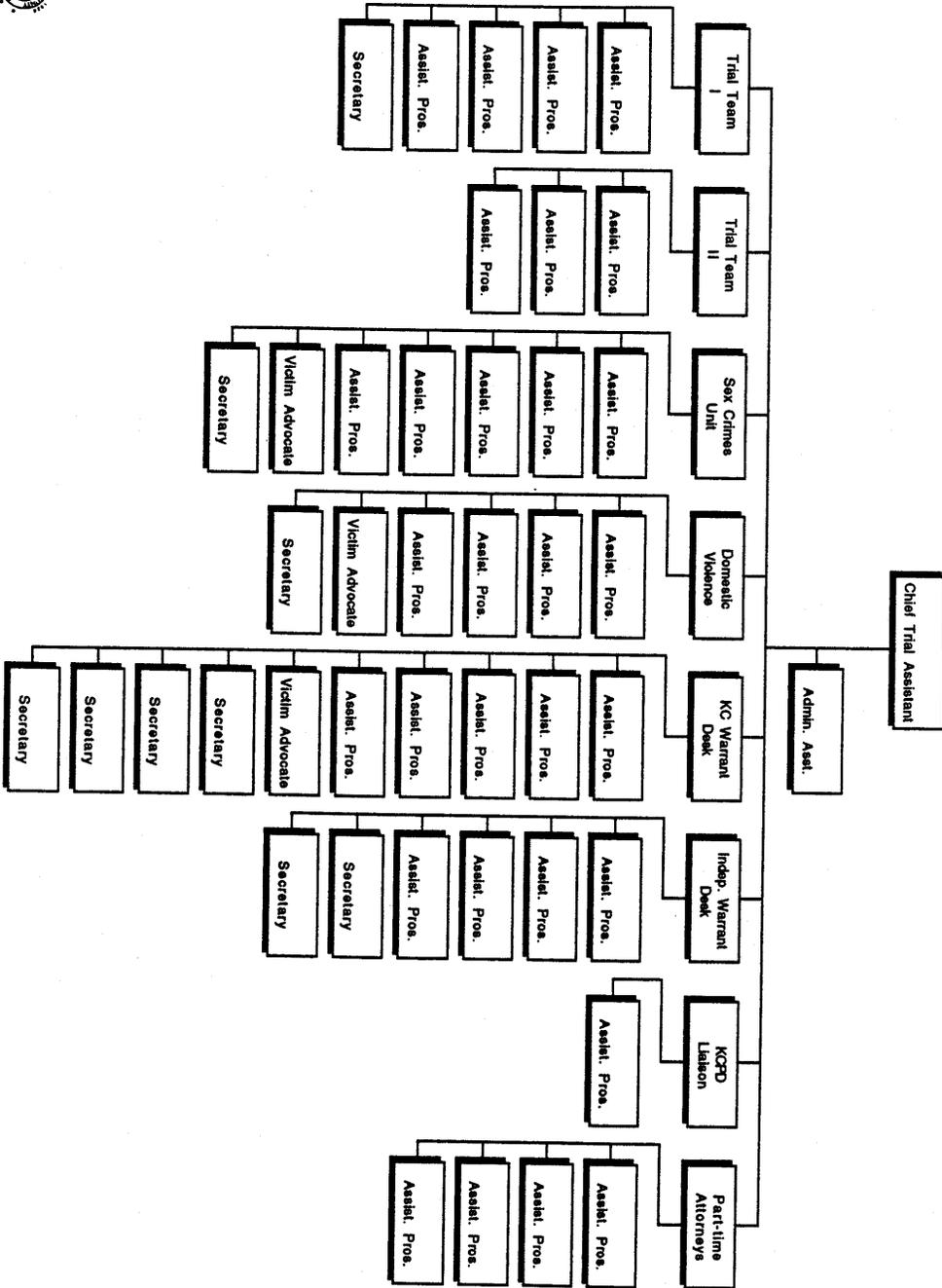
**APPENDIX A:**

**JACKSON COUNTY PROSECUTOR'S OFFICE—ORGANIZATIONAL STRUCTURE**

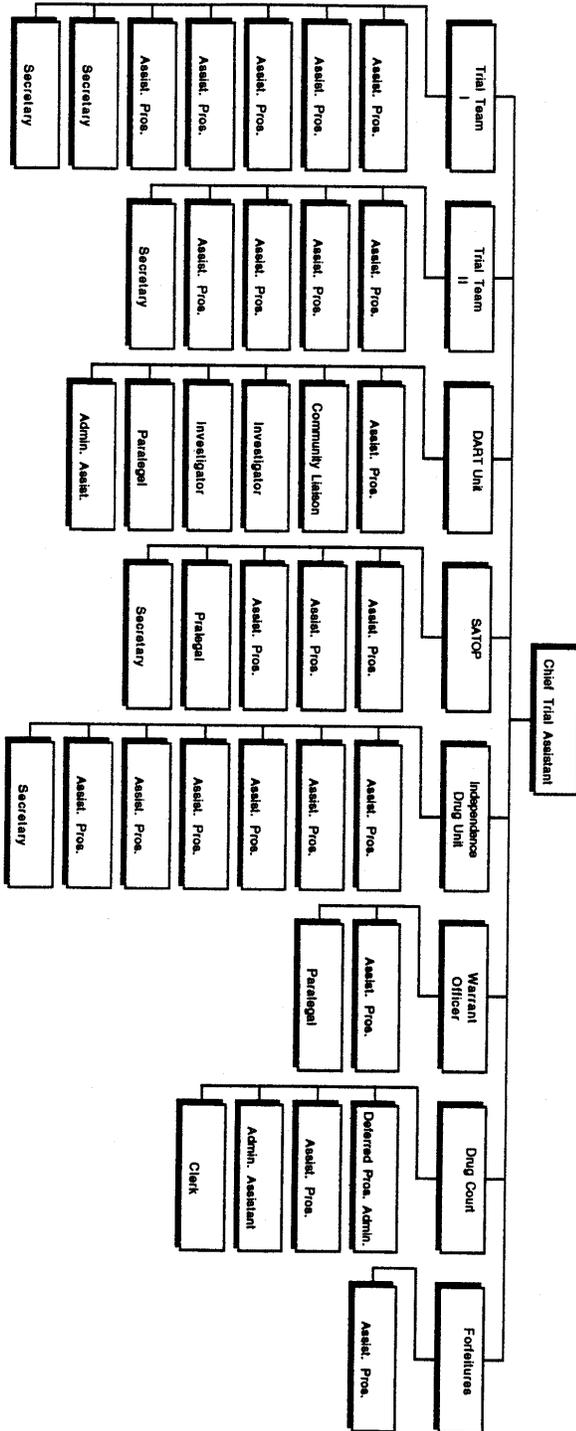
# Jackson County Prosecuting Attorney's Office



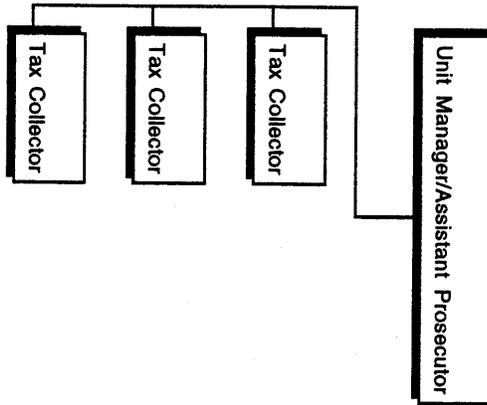
### Criminal Prosecution, Non-Drug



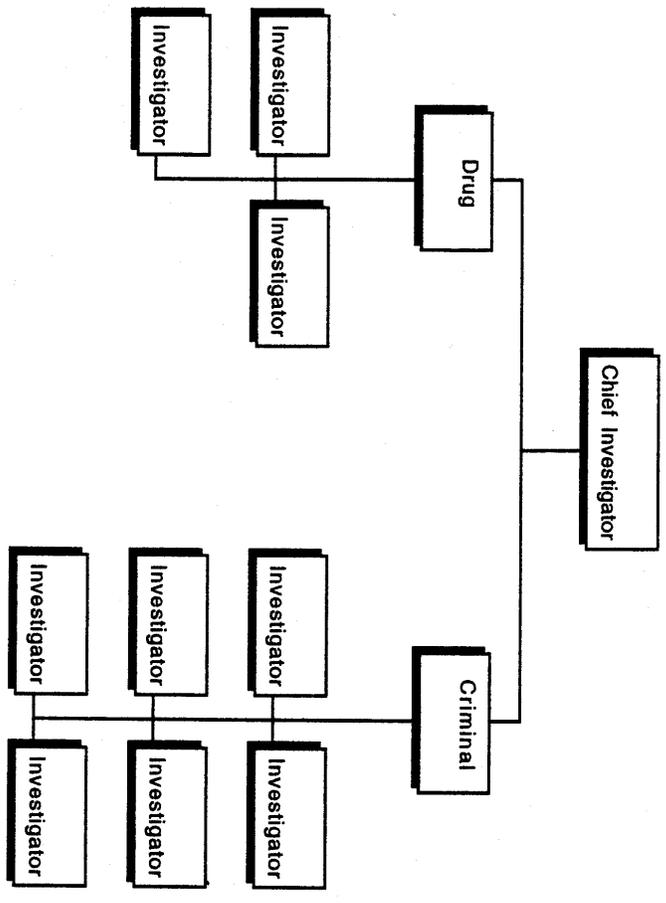
### Criminal Prosecution - Drug



# TAX COLLECTION



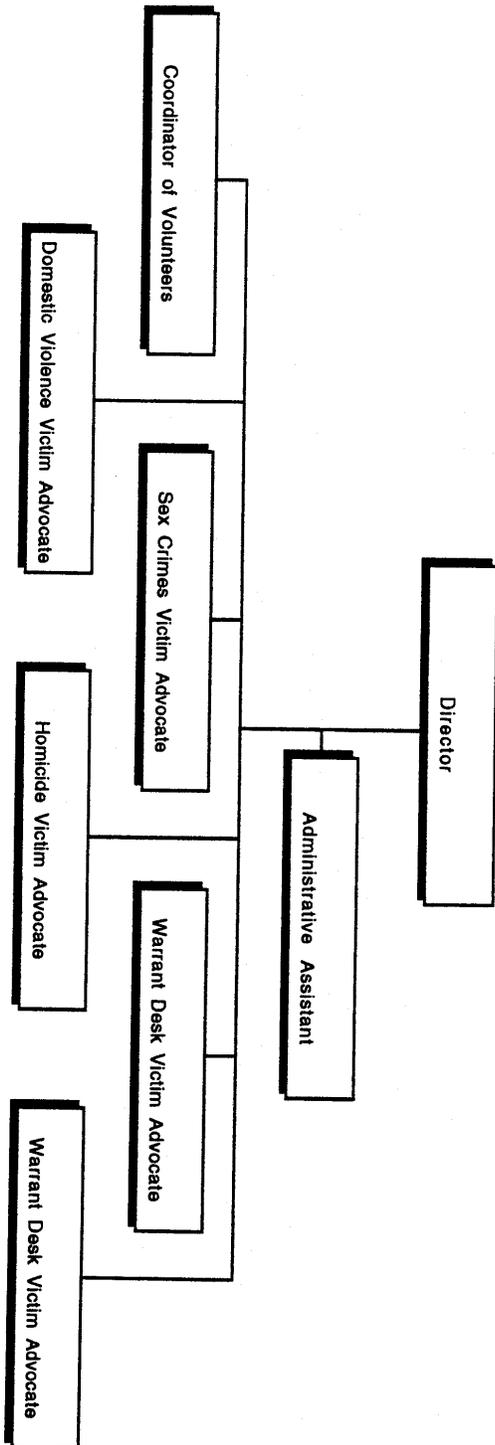
### Investigative Staff



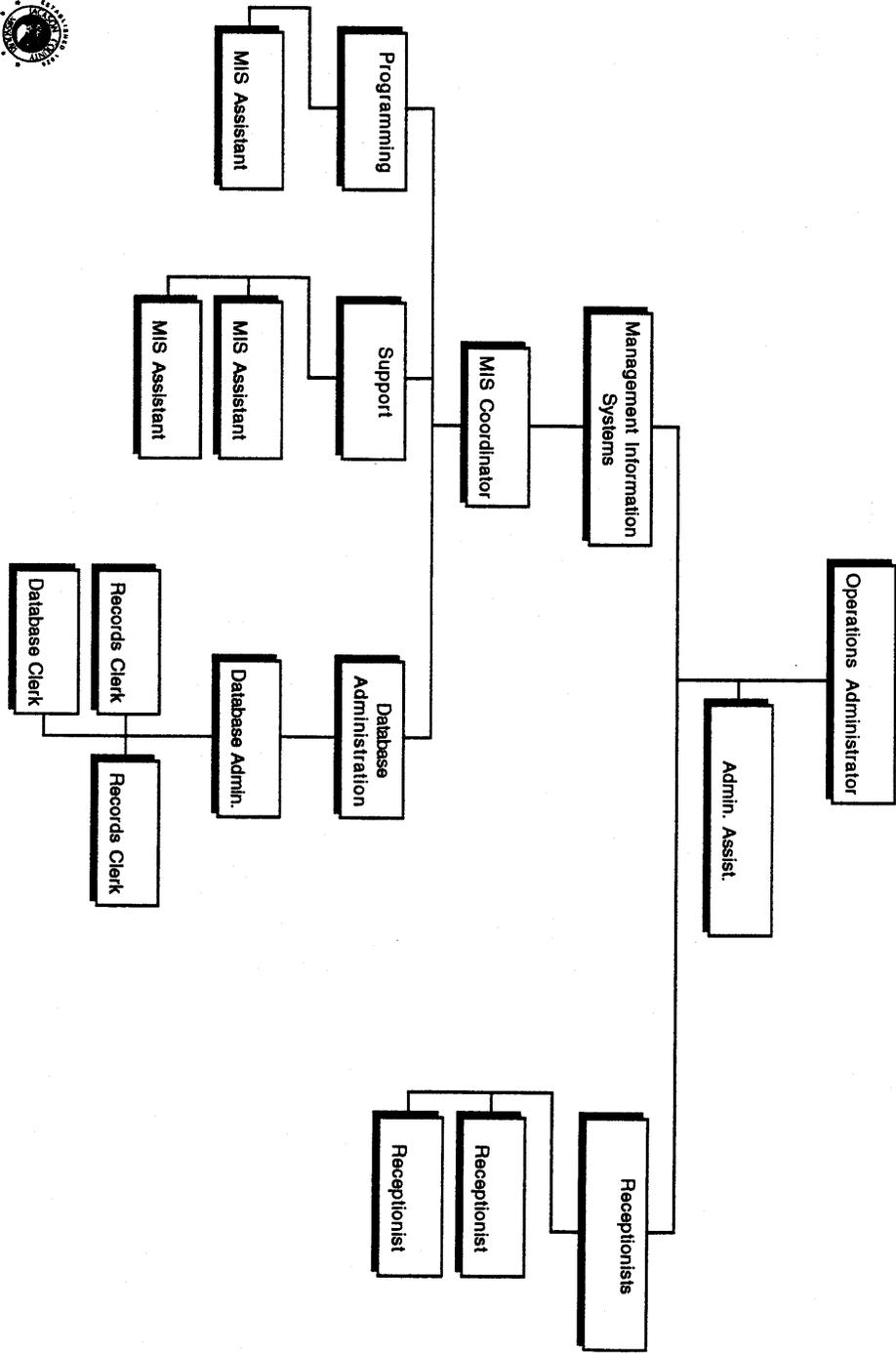
Jackson County Prosecuting Attorney

02/14/97

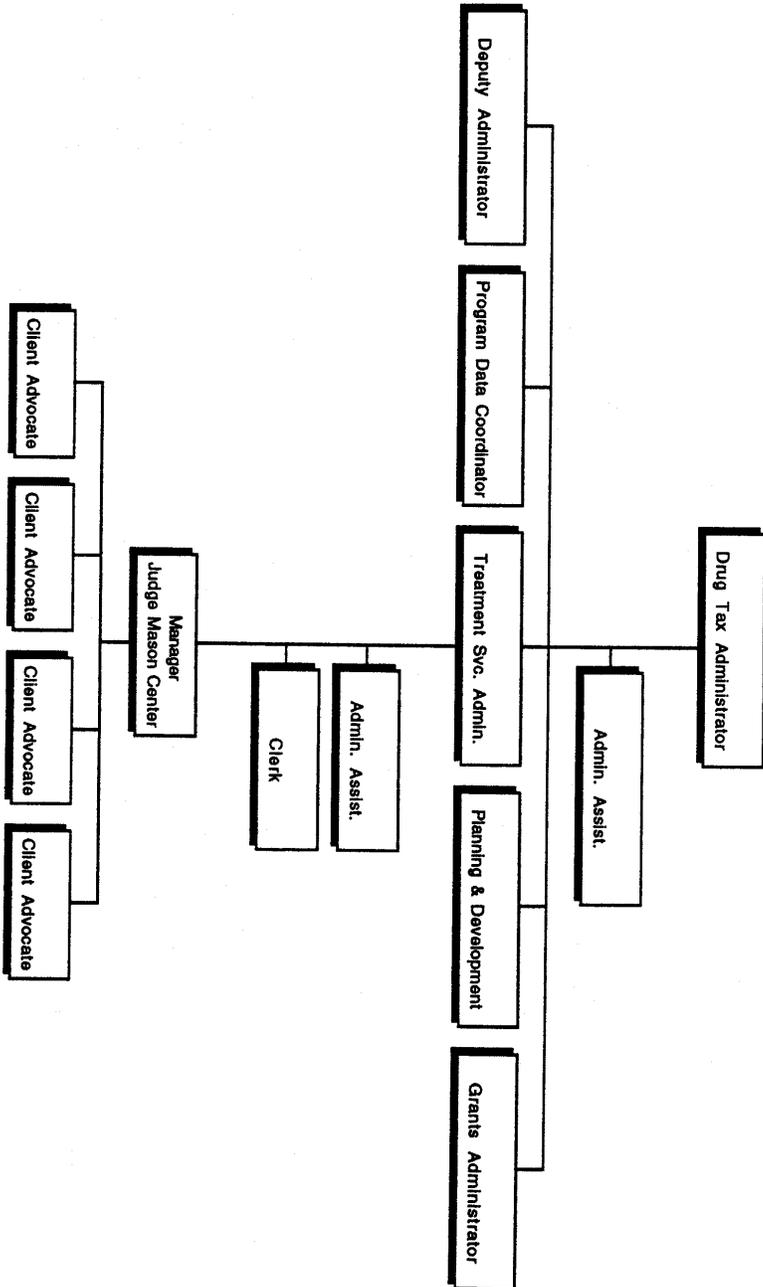
### Victim and Witness Services



# Administrative Operations



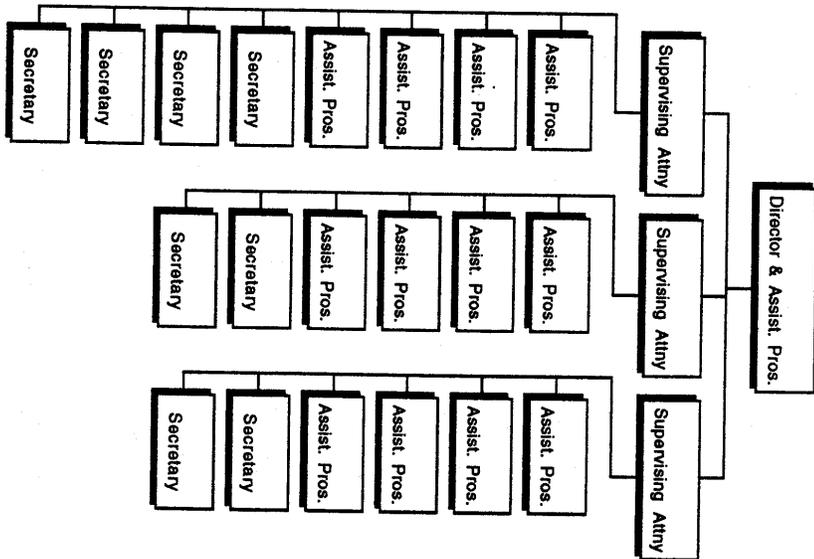
### Anti-Drug Tax Administration



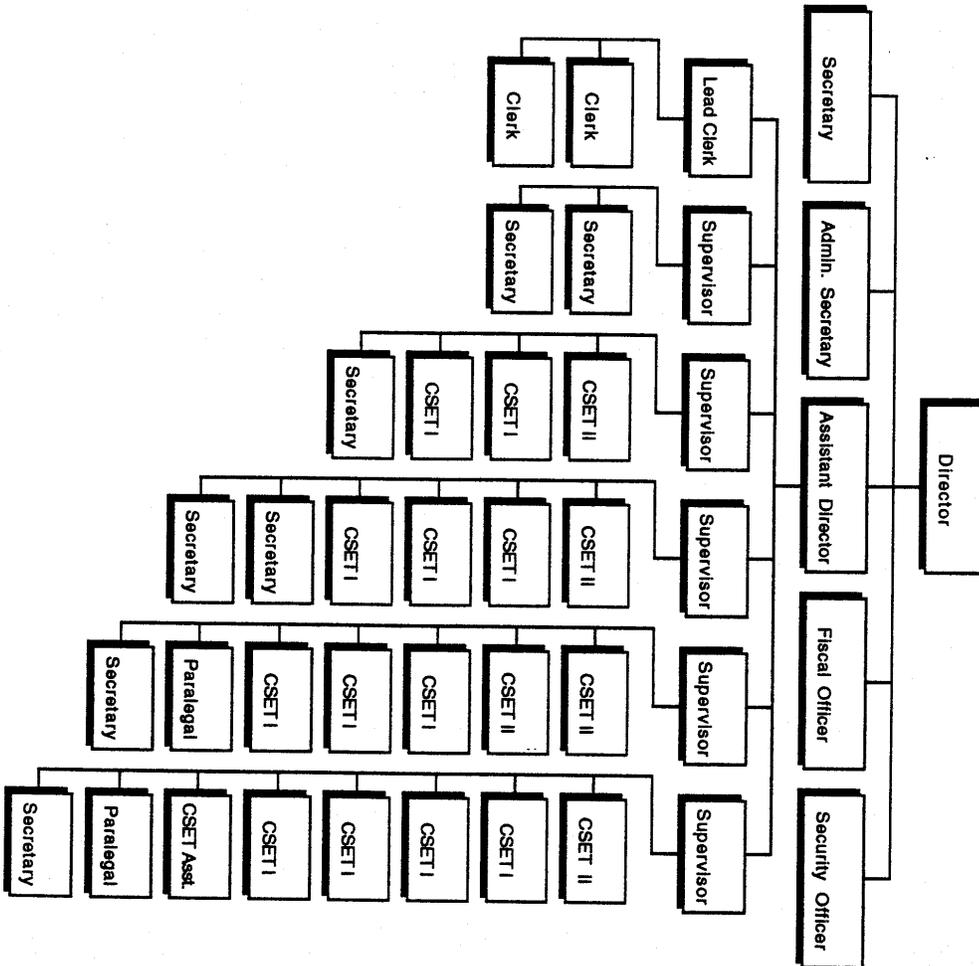
Indiana County Forensic Laboratory

02/03/97

Family Support Division--Chart 1



Family Support Division--Chart 2



Judicial County Proceedings Agency

08/19/08

**APPENDIX B:**

**1996 JACKSON COUNTY PROSECUTOR'S OFFICE BUDGET**

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**JACKSON COUNTY PROSECUTOR'S OFFICE EXPENDITURES**

<b>General Crime Prosecution</b>	<b>\$2,752,221</b>
<b>(General Revenue)</b>	
<b>Drug prosecution</b>	<b>\$1,843,307</b>
<b>(Drug Tax)</b>	
<b>COMBAT Administration</b>	<b>\$ 346,535</b>
<b>(Drug Tax) ((includes</b>	
<b>Drug Court, grant match</b>	
<b>fund etc))</b>	
<b>Drug Court Operational</b>	<b>\$1,164,194</b>
<b>(Drug Tax)</b>	
<b>Grant Match Fund</b>	<b>\$1,940,324</b>
<b>(Drug Tax)</b>	
<b>Family Support</b>	<b>\$2,527,971</b>
<b>(General Revenue)</b>	
<b>Bad Check</b>	<b>\$ 747,305</b>
<b>(General Revenue)</b>	
<b>Outside Grant Fund</b>	<b>\$2,901,870</b>
<b>(Both Federal and State Funds)</b>	
<b>(Cash Matches)</b>	<b>\$310,358</b>
<b>(In-kind)</b>	<b>\$108,096</b>

### JACKSON COUNTY PROSECUTOR'S BUDGET DECISIONS

Upon taking office in 1993, one of the first budgetary reforms Claire McCaskill undertook was the reclassification of support staff positions. This resulted in pay increases of from 25-30% for all legal secretaries, family support technicians and clerks throughout the office.

McCaskill has identified opportunities to generate revenue. For instance, Missouri statutes allow the Bad Check Unit to charge for the collection of back checks for merchants of this County. As a result, this unit is self-sustaining. In fact it has been such a successful operation that McCaskill has shifted items which are necessary to the growth and development of any operation, but often are resented by taxpayers. MIS personnel, computers, travel and continuing education fall into this category. McCaskill has also developed programs to utilize revenue from the collection of back taxes and bond forfeitures. She does not use criminal forfeitures because of the controversial policy, and a difficult state statute directing the forfeiture funds to local school districts.

McCaskill has instituted a practice of spending money to attract additional funding. She has aggressively sought outside grant funding. She has wisely identified areas of funding which she feels will generate more funding dollars in the future. For instance, she implemented a program for the enhanced prosecution of Domestic Violence for two reasons: a) the crime involved deserved more attention and increased prosecution, and b) grant dollars would be available in this area. This policy of early identification of grant availability has paid off. This office received large amounts of funding from the State for domestic violence, whereas St. Louis did not. The difference was probably not need, but that St. Louis did not put in the ground work and establish a program prior to applying for grants.

McCaskill believes that often district attorneys avoid grants because they believe those dollars will go away. She has found that there are always grants. Perhaps they won't be the same ones; but there are always similar ones to fund good programs. She has been able to develop a good team with the right kind of skills to pursue grants due to the drug tax staff. However, if the drug tax did not exist, she would pursue an internship program to accomplish the same goals. She believes you can actively support a grant program without a drug tax.

The Prosecutor knows she cannot advance the office without the confidence of knowing she has the funding to implement innovative programs to address community concerns. She knows the budget gives her the power to be creative. She has not tied all of her programs to the drug tax and has steadily sought appropriate increases in general revenue e.g. Domestic Violence.

**APPENDIX C:**

**PASEO CORRIDOR DRUG- & CRIME-FREE  
COMMUNITY PARTNERSHIP**

**Program Description/Application  
to HUD Best Practices competition**

**Profile of Housing Areas  
Partnership Agreement  
Committee Structure  
March 31, 1997 Status Report**

**JOHN J. GUNTHER BLUE RIBBON PRACTICES IN COMMUNITY DEVELOPMENT****Paseo Corridor Drug- & Crime-Free  
Community Partnership**

Kansas City, Kansas

**CATEGORY: *Neighborhood Transformation*****PROGRAM DESCRIPTION**

On February 13, 1997, the Paseo Corridor Drug- and Crime-Free Community Partnership was formed among more than 60 property owners, community and neighborhood organizations, local, state, and federal officials, and resident groups. The Partnership Agreement is an effort to clean up a 15-block area of Kansas City which has a high density of assisted housing with extensive drug and criminal activity. The Agreement focuses on a three-phase strategy: Phase I - Safety, Security and Economic Stability; Phase II - Lifestyle Enrichment and Self-Sufficiency; and Phase III - Community Development Through Economic Empowerment.

**RESULTS**

The crime rate in the affected area has been reduced by 50 percent and residents feel safe to move about their neighborhoods. A uniform lease agreement, rules, and regulations have been adopted by all multifamily properties in the area. The city has agreed to post "no parking/stopping" signs on a major boulevard which is a known haven for drug activity. The Weed and Seed area covered by the Police Department has been expanded to include the entire Paseo Corridor. Over 25 abandoned buildings, which provided a place for illicit drug activity, have been demolished. A special hotline was established for residents in the Paseo Corridor to anonymously notify police of illegal activities. A neighborhood liquor store began carrying more groceries and changed its name from Spino's Liquor to A & J Market. The local police department began denying signature bonds for incidents in the area. The Courts agreed to stiffer conditions of probation for prostitution-related crimes. Property owners and managers assisted in changing the Missouri Landlord/Tenant law to expedite evictions for drug-related crimes in rental housing. A Landlord Training program was created to teach landlords and property owners ways to reduce drug and criminal activity in rental housing. To date, over 400 Jackson County landlords have attended the training. Lines have blurred between public housing residents, those living in privately-owned Section 8 housing, and other inhabitants of this area. Residents have begun looking at each other as neighbors and community partners.

**FUNDING**

COMBAT, Jackson County's anti-drug sales tax provides partial funding for Paseo Corridor Partnership initiatives.

**AWARD WINNING ACHIEVEMENTS**

The Paseo Corridor was once considered one of Kansas City's loveliest boulevards; then it was considered one of the worst crime infested areas. Most recently it was a success story about residents fighting to take back their neighborhood. The Paseo Corridor Drug- and Crime-Free Community

Partnership is a wonderful example of what a private/public partnership can accomplish. The Paseo Corridor has been the spotlight of local press coverage and both the HUD Headquarters Office of Housing and the Office of Investigation plan to use it as a model for communities across the nation.

Paseo Corridor Drug- and Crime-Free Community Partnership Project

Profile of Property/Residents	Parkview Homes I/II	Parker Square	Theron B. Watkins	Wayne Miner	Guillette Manor	Chouteau Courts	Riverview	Total
Total number of units?	213	204	286	74	409	140	221	1547
Type of Housing?	Affordable Sec. 8-HUD	Affordable Sec. 8-HUD	Public - HAKC	Public - HAKC	Public - HAKC	Public - HAKC	Public - HAKC	27%: 73%
Occupancy rate?	95%/92%	95-99%	100%	99%	48%	97%	40%	59%
# units not rentable?	32	4 (fire)	214 under construction.	0	211	3	166	630
Number of residents?	84/183	606	243	380	564	382	117	2559
Children under 18?	8/51	267	139	250	281	232	54	1282
% children under 18?	10%/28%	44%	57%	66%	50%	90%	65%	50%
Age range with highest # of children?	0-6/0-6	0-4	6-12	6-12	6-12	0-5	6-12	6-12
Describe avg. head of household? (HH)	57/20 yrs.	35-40 yrs.	41 yrs.	45 yrs.	50 yrs.	35 yrs.	47 yrs.	
Sex	F	F	F	F	F	F	F	F
Race	Black	Black	Black	Black	Asian	Black	Black	B
Marital Status	S	S	S	S	S	S	S	S
# children	1	3	3	2	2	2	1	
# bedrooms	1	3	2.3	4	2	2.5	2	
Education level-HS/GED	40%/50%	50% GED	N/A	N/A	N/A	HS	N/A	
% Unemployed	99%/95%	85-90%	90%	90%	50%	90%	50%	
Government Assistance received	PVI-SSI/ PVII-AFDC/ Sec. 8	SSI/AFDC/ Sec. 8	AFDC/SSI	AFDC/SSI	AFDC/SSI	AFDC	AFDC/SSI	
Other significant information?	PV I. mostly elderly residents	HH over 50 years old w/ children	Outside drug activity	Gang activity	Asian gangs & language barrier	HH between 18-30	232 families in close proximity	

## PASEO CORRIDOR DRUG- & CRIME-FREE COMMUNITY PARTNERSHIP AGREEMENT

**We, the Paseo Corridor Drug- & Crime-Free Community Partnership, agree that our mission is to:**

Improve the quality of life for the residents, business owners and employees in the Paseo Corridor through a coordinated, three-phase strategy:

Phase I: Safety, Security and Economic Stability

Phase II: Lifestyle Enrichment and Self-Sufficiency

Phase III: Community Development Through Economic Empowerment

### **"Quality of Life" Defined**

For residents, "quality of life" is defined by the peaceful enjoyment of decent, safe and affordable housing and the ability to positively contribute to the success of the surrounding community.

For businesses, "quality of life" is defined by the ability to operate a safe and prosperous business and to positively contribute to the success of the surrounding community.

For employees, "quality of life" is defined by the ability to perform job responsibilities in a decent and safe business and community environment and to positively contribute to the success of the surrounding community.

### **Phase I Defined**

Addresses the immediate concerns of the Paseo Corridor community as identified by recent surveys and studies.<sup>1</sup> Phase I is the foundation for Phase II & III and establishes the necessary infrastructure/foundation for this project to be successful. For example, residents need to feel safe before they will come to a community room to attend a residents meeting or learn a new skill to later become more self-sufficient.

- "Safety" is defined as the condition of being safe from undergoing or causing hurt, injury or loss; the feeling of immediate personal safety.
- "Security" is defined by the forces necessary to make this community safe against adverse contingencies.
- "Economic Stability" is defined as enhanced economic viability of the businesses and housing communities resulting from the community's resilience to negative forces.

The focus of this strategy will be: crime prevention and law enforcement efforts, improved property management techniques, public/capital improvements, and responsible business ownership/management.

### **Phase II Defined**

Addresses the social components of lifestyle enrichment which enable a person and their family to gain control of themselves and positively impact their family dynamics, leading to self-sufficiency. The focus of this strategy will be to transition housing community residents to a more enriched, self-sufficient life through education, development, training, and job placement.

### **Phase III Defined**

Addresses the business and social components of establishing leadership and economic strength in and as a community. The focus of this strategy will be neighborhood leadership, job development, new business development, and improved economic strength of the community.

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<sup>1</sup> Paseo Corridor Partnership-sponsored resident and business survey, Empowerment Zone data, SPARTA Consulting Firm's assessment of the Housing Authority's Public Housing Communities. December 13, 1996 Draft  
Kristen Rosselli. COMBAT 881-3112

**PASEO CORRIDOR DRUG-CRIME-FREE COMMUNITY PARTNERSHIP COMMITTEE STRUCTURE**

**Strategic Planning/Success Measurements**  
 Chair: Kristen Rosselli, COMBAT  
 All Committee Chairs

**Partnership Agreement Monitoring**  
 Chair: Jim Nichols, Insignia  
 Bolig Sifire, Charita Parker  
 Brenda Waters, HUD  
 Diane Charly, Project Neig,  
 Karen Gleich, HUD-IG  
 Michael Allen, HAKC  
 PO Jim Schriever  
 Florine Jones, TBW  
 Margaret Beason, Parkview  
 Betty Everett, Charlie Parker  
 Kristen Rosselli

**Lease/Rules & Regulations Committee**  
 Chair: Miranda Wingate-Crawford  
 Anita Pollard, Insignia/Parkview  
 Florine Jones, Theron B. Watkins  
 Jim Nichols, Insignia Mgmt/PVH  
 Julie Levin, Legal Aid  
 Pat Conway, Riverview  
 PO Jim Schriever  
 Rosanne Smith, HUD  
 Wanda Sanders, Charita Parker Sq.  
 Yvonne Williams, HAKC - TBW  
 Michael Allen - HAKC  
 Michael Sanders - DART  
 Kristen Rosselli

**Law Enforcement**  
 Chair: Sgt. Fleming  
 Sgt. Jacobson  
 Sgt. Laningham  
 Sgt. Fletcher  
 PO Jim Schriever  
 PO Alane Booth  
 PO Mark Fogal  
 PO Doug Monroe  
 PO Steve Kendall  
 Eric Kelly, HAKC  
 Karen Gleich, HUD IG  
 Mike Sanders, DART  
 Jim Lassalle, Neigh PA

**Faith Initiative**  
 Chair: Diane Charly, PVH  
 Betty Everett, CPS  
 Esther Glover, Insignia  
 Florine Jones, TBW  
 Margaret Beason, PVH  
 Vera Anderson, PVH  
 Kristen Rosselli

**Resident Empowerment**  
 Chair: Betty Everett, CPS  
 Beverly Ewing, Charita PS  
 Frankie Lewis, Charita PS  
 Margaret Beason, PVH  
 Esther Glover, Insignia/PVH  
 Florine Jones, Theron B. W.  
 Melicoria Simmons, Wayne M.  
 Myrtle Dunbar, Wayne Miner  
 Betty Scott, Wayne Miner  
 Cloleal Jones, Chouleanu  
 Connie Flowers, Guinote  
 Wanda Aistork, Guinote  
 Pranis Botes, Riverview  
 Diane Charly, Project NH  
 Julie Levin, Legal Aid  
 Kristen Rosselli

**Economic Development**  
 Chair: Jim Nichols, Insignia  
 Bob Hughes, Hughes Mgmt/CPS  
 Brenda Waters, HUD  
 Kellie Svoboda, HUD  
 Miranda Crawford, HAKC  
 Susan Balkew, Mayor's Office  
 Peter Yalonda, City Mgr.  
 Robbie Hill, Neigh & Comm.  
 Cathy Wagner, ONE CDC  
 Walter Haith, Parks & Rec  
 Jim Lassalle, Neigh PA  
 Kristen Rosselli

**Partnership Agreement Monitoring Committee**

**Lease/Rules & Regulations Committee**

**Law Enforcement Committee**

**Faith Initiative Committee**

**Resident Empowerment**

**Economic Development**

To develop an agreement between various communities, organizations, businesses, agencies and residents, so as to improve the quality of life within the Paseo Corridor. To monitor the progress against the strategic plan.

To review and develop a uniform policy of House Rules, Lease Agreements, Resident Screening, Resident Orientation, and Eviction Procedures within the Paseo Corridor Housing Communities.

To identify and coordinate local law enforcement agencies involved in assisting the Partnership in achieving the goals of improving and sustaining the quality of life within the Paseo Corridor.

To organize a faith driven multi-denominational effort to reduce the perception among residents of imminent danger due to the proliferation of drugs, prostitution, violent crime and elderly victimization by engaging the participation of faith communities (churches) in evangelistic programs in the Paseo Corridor.

To establish an active line of communication and involvement with the residents living within the Paseo Corridor boundaries by determining needs, seeking input on solutions and generating community leadership.

To develop programs and opportunities which will help to establish neighborhood leadership, develop jobs and improve the economic strength of the community.

**PASEO CORRIDOR DRUG-CRIME-FREE COMMUNITY PARTNERSHIP COMMITTEE STRUCTURE**

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 All Committee Chairs

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 Michael Allen, HAKC  
 PO Jim Schriever  
 Florine Jones, TBW  
 Margaret Beason, Parkview  
 Betty Everett, Charlie Parker  
 Kristen Rosselli

**Lease/Rules & Regulations**  
 Chair: Miranda Wingate-Crawford  
 Anita Pollard, Insignia/ Parkview  
 Florine Jones, Theron B. Watkins  
 Jim Nichols, Insignia Mgmt/ PVH  
 Julie Levin, Legal Aid  
 Pat Conway, Riverview  
 PO Jim Schriever  
 Rosanne Smith, HUD  
 Wanda Sanders, Charlie Parker Sq.  
 Yvonne Williams, HAKC - TBW  
 Michael Allen - HAKC  
 Michael Sanders - DART  
 Kristen Rosselli

**Law Enforcement**  
 Chair: Sgt. Fleming  
 Sgt. Jacobson  
 Sgt. Lanningham  
 Sgt. Fletcher  
 PO Jim Schriever  
 PO Alane Booth  
 PO Mark Fogel  
 PO Doug Monroe  
 PO Steve Kendall  
 Eric Kelly, HAKC  
 Karen Gleich, HUD IG  
 Mike Sanders, DART  
 Jim LaSalle, Neigh PA

**Faith Initiative**  
 Chair: Diane Charly, PNH  
 Betty Everett, CPS  
 Esther Glover, Insignia  
 Florine Jones, TBW  
 Margaret Beason, PVH  
 Vera Anderson, PVH  
 Kristen Rosselli

**Resident Empowerment**  
 Chair: Betty Everett, CPS  
 Beverly Ewing, Charlie PS  
 Frankie Lewis, Charlie PS  
 Margaret Beason, PVH  
 Esther Glover, Insignia/PVH  
 Florine Jones, Theron B. W.  
 Melonie Simmons, Wayne M.  
 Myrtle Dunbar, Wayne Mher  
 Betty Scott, Wayne Mher  
 Cleal Jones, Choubeau  
 Connie Flowers, Guhnotte  
 Wanda Alstork, Riverview  
 Prentis Botes, Riverview  
 Diane Charly, Project NH  
 Julie Levin, Legal Aid  
 Kristen Rosselli

**Economic Development**  
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 Bob Hughes, Hughes Mgmt/CPS  
 Brenda Waters, HUD  
 Kelle Svoboda, HUD  
 Miranda Crawford, HAKC  
 Susan Bailey, Mayor's Office  
 Peter Yalonda, City Mgr.  
 Robbie Hill, Neigh & Comm.  
 Cathy Wagner, ONE CDC  
 Waller Halth, Parks & Rec  
 Jim LaSalle, Neigh PA  
 Kristen Rosselli

**Partnership Agreement/ Monitoring Committee**

**Lease/Rules & Regulations Committee**

**Law Enforcement Committee**

**Faith Initiative Committee**

**Resident Empowerment**

**Economic Development**

To develop the basis of an agreement between various communities, organizations, businesses, agencies and residents, so as to improve the quality of life within the Paseo Corridor. To monitor the progress against the strategic plan.

To review and develop a uniform policy of House Rules, Lease Agreements, Resident Orientation & Follow-Up, Resident Screening and Eviction Procedures within the Paseo Corridor Housing Communities.

To identify and coordinate local law enforcement agencies, involved in assisting the Partnership in achieving the goals of improving and sustaining the quality of life within the Paseo Corridor.

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To develop programs and opportunities which will help to establish neighborhood leadership, develop jobs and improve the economic strength of the community.

Prepared by: Kristen Rosselli  
 March 31, 1997

Page 1

**Passaic Corridor Drug- & Crime-Free Community Partnership (Start 6/20/96)**

**Profile**

- 15 square block area
- Five Public and four Section-8 housing communities, six residential neighborhood associations, one business district, three major highway arteries, two minor highways/street designations.
- Sandwiched between a Riverboat Casino and the upcoming 18th & Vine Jazz Restoration District.

**Characterized by:**

- High density of low income housing;
- Pervasive poverty;
- Urban decay;
- Disorder;
- Easy access to area;
- Rampant crime & open air drug markets;
- Irresponsible businesses;
- Paralyzing fear;
- Resulting in economic decline.

**Extent of partnership:**

- Residents (government-assisted housing and Neighborhood Associations)
- Property Management (HUD, Housing Authority, Privately-owned rental/management)
- Law Enforcement (KCPD, City Prosecutor, State Prosecutor, US Attorney's Office, City Attorney's, Municipal Courts, HUD Inspector General, FBI, DEA, ATF)
- Government (Mayor's Office, City Manager's, City Council, Parks & Rec, Neighborhood & Community Development, Human Relations)
- Neighborhood/Community Agencies (Community Development Corporations, Crime Watch groups, Churches, Legal Aid, Fair Housing, Community Mobilization/Wellness)

"Community-Oriented Community" approach – where each aspect of the community has a responsibility to the overall quality of life and economic vitality of this particular area.

**Preliminary results:**

- Formal signing of partnership agreement (committing time, resources and talents).
- Dramatic change in crime migration pattern.
- Crime statistics show a basic reduction in overall crime on a month-to-month basis, specifically crimes associated with rampant drug markets: (3/97 stats are anticipated to be lower than 2/97)

	<u>9/96</u>	<u>2/97</u>
Robbery	18	7
Assault	47	37
Burglary	23	9
Stealing	62	31